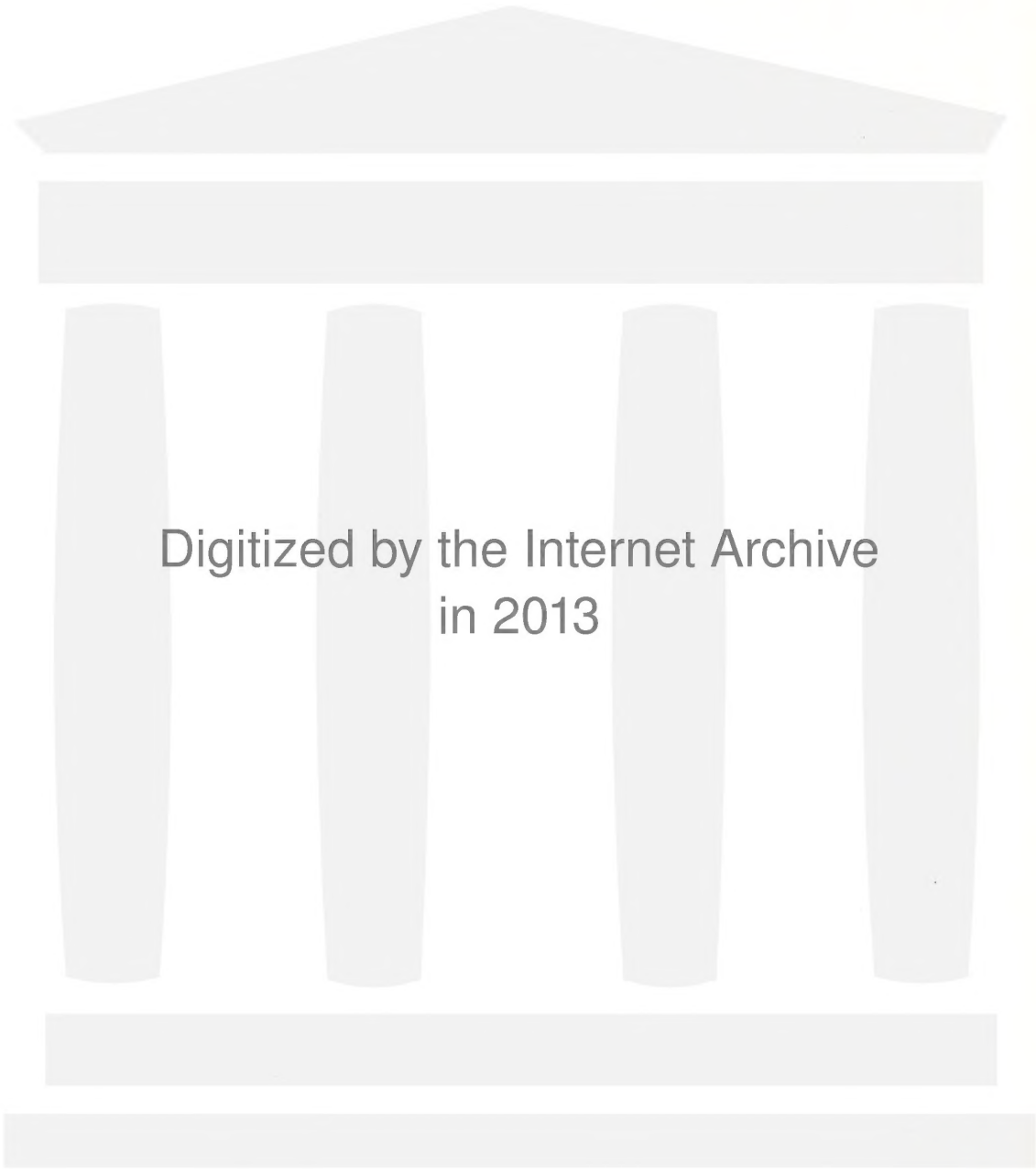


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no. 1
Illinois register
Received on: 01-12-90

JIM EDGAR
Secretary of State

VOLUME 14
ISSUE 1

A WEEKLY PUBLICATION

JANUARY 5
1990

Pages1-426

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

ILLINOIS REGISTER

Rules of Governmental Agencies

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Printed by Authority of the
State of Illinois
January 1990 – 890 – GA-792

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

rial Rec'd :30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
0, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
7, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
0, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
7, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
4, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
1, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
4, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
1, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept 15, 1989
8, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
4, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
1, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
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1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
8, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
5, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
6, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
8, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
0, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
3, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
0, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday *(the day before)*.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Proposed Action

302.20	Amendment
302.40	Amendment
302.500	New Section
302.510	New Section
302.520	New Section
302.530	New Section
302.540	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars. 5005 et seq. and Ill. Rev. Stat. 1987, ch. 23, pars. 2058.2.

5) A Complete Description of the Subjects and Issues Involved: These amendments add the family preservation services to the Department's rules on child welfare services. Included in these amendments is the Department's phase-in plan for implementing family preservation services statewide.

6) Will this proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date: ___Yes _X_ No
If "yes", date: _____

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
302.390	Amendment	13 Ill. Reg. 14508

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/785-2592

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 11, 1989

B) Types of small businesses affected: Child welfare agencies and social service agencies which provide counseling and social services to families in crisis.

C) Reporting, bookkeeping or other procedures required for compliance: Agencies under contract with the Department to provide family preservation services will need to report confidential case assessments and case progress reports, statistics, costs and research data. Bookkeeping requirements will include case records, records of services delivered and cost records.

D) Types of professional skills necessary for compliance: Administrative, management, counseling, casework and advocacy skills.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section
302.10 Purpose
302.20 Definitions
302.30 Introduction
302.40 Department Service Goals
302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (Recodified)

Section
302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
302.110 Content of Child Abuse or Neglect Reports (Recodified)
302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130 Special Types of Reports (Recodified)
302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150 Delegation of the Investigation (Recodified)
302.160 The Investigative Process (Recodified)
302.170 Taking Children Into Temporary Protective Custody (Recodified)
302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section
302.300 Adoptive Placement Services
302.305 Adoption Listing Service for Special Needs Children
302.310 Adoption Assistance
302.311 Nonrecurring Adoption Expenses
302.315 Adoption Registry
302.320 Counseling or Casework Services
302.330 Day Care Services
302.340 Emergency Caretaker Services
302.350 Family Planning Services
302.360 Health Care Services
302.370 Homemaker Services
302.380 Information and Referral Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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302.390 Placement Services
302.400 Successor Guardianship

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Emergency Assistance/Advocacy
302.540 Phase-in Plan for Statewide Family Preservation Services

Appendix A ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS (Recodified)

AUTHORITY: Implementing and authorized by Section 5 et seq. of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named: (Ill. Rev. Stat. 1987, ch. 23, pars. 5005 et seq.); Section 3-6-2(g) of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-6-2(g); and Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq. (1988 supp.)); Section 1-1 et seq. of the Juvenile Court Act (Ill. Rev. Stat. 1987, ch. 37, pars 801-1 et seq.), and "AN ACT in relation to the adoption of persons and to repeal an Act therein named," (Ill. Rev. Stat. 1987, ch. 40, par. 1501 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective October 8, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; former Subpart B, Part 302 and Appendix A, Part 302 recodified to 89 Ill. Adm. Code 300 effective January 15, 1987; amended at 14 Ill. Reg. , effective

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption. ~~To be eligible for adoption assistance, the adoptive parents must adopt a child for whom the Department was legally responsible immediately before the adoption was finalized.~~

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

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"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption; ~~and~~

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried; and;

providing shelter and independent living services for homeless youth.

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department", as used in this Part, means the Department of Children and Family Services.

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"Family Preservation Services" means all services to prevent the placement of children in substitute care, to reunite them with their families if they have been placed and if reunification is an appropriate goal, or to maintain an adoptive placement.

"Intensive family preservation services" are short-term, generally not to exceed ninety days, community-based services provided in the home in order to stabilize families and prevent the removal of a child at risk due to abuse or neglect. Intensive family preservation services are further described in Subpart D.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months or failed to demonstrate an interest in a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in the ~~Dangerous Drug Abuse Act (Ill. Rev. Stat. 1985, ch. 91½, par. 120.1 et seq.)~~ The Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111½, par. 6351.3) and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the child's safety and well-being have been ensured despite the parent's addiction.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Service constellation" means a variety of services provided to a child and his/her family.

"Successor guardianship" means the judicial transfer under Sections ~~5-7~~ 802-27, 803-28, 804-25, or 805-29 of the Juvenile Court Act of

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1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 14 Ill. Reg. , effective)

Section 302.40 Department Service Goals

a) The Department provides, directly or through purchase, a number of services for children and families which are individually planned to meet the needs of each child and family. These services are directed toward four service goals which are:

1) family preservation

2) family reunification

3) adoption or attainment of a permanent living arrangement

4) youth development

b) Family Preservation

When family preservation is the goal, services are directed toward ensuring the child's development, safety and well-being in his parents' home and preventing placement of the child away from the family. Such families may have been reported to the Department for alleged child abuse or neglect or referred to the Department. The service constellation for these children and families may include:

1) counseling/advocacy

2) emergency caretaker

3) homemaker

4) day care and child development

5) family planning

6) parent education

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7) self-help groups

8) emergency family shelter

9) intensive family preservation services

10) ~~9)~~ other placement prevention services

11) referral for substance abuse treatment services

c) Family Reunification

When family reunification is the goal, services are directed toward returning a child to his parent's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the child's parents achieve minimum parenting standards and ensuring the child's safety and well-being upon his return home. The service constellation for these children and families may include:

1) counseling/advocacy

2) homemaker

3) day care and child development

4) foster family home care

5) relative home care

6) residential care

7) family planning

8) parent education

9) intensive family preservation services

10) referral for substance abuse treatment services

d) Adoption or Attainment of a Permanent Living Arrangement

When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department intends to transfer legal guardianship to the family. The service constellation for these children may include:

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1) counseling

2) adoption

3) relative home

4) foster family home care

5) intensive family preservation services

e) Youth Development

1) When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to:

A) Youth 16 years of age or older for whom the Department has legal responsibility, to help them live independently of adult caretaker supervision and achieve economic self-sufficiency; and

B) Youth who are high school graduates and have been awarded scholarships in accordance with "~~An Act~~ AN ACT ~~C~~creating the ~~Illinois~~ Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and sections herein named" (Ill. Rev. Stat.~~, 1981~~ 1987, Ch. 23, par. 5005); and

C) Unmarried pregnant youth for whom the Department has legal responsibility; and

D) Unmarried pregnant youth under age 18 for whom the Department is not legally responsible.

2) The service constellation for youth for whom the Department is legally responsible may include:

A) counseling/advocacy

B) day care for the children of unmarried youth

C) homemaker

D) family planning

E) maintenance payments or foster family home, relative home or residential care payment except that maternity home payment shall be limited to a maximum of ninety (90) days.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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3) The only purchased service for unmarried youth for whom the Department is not legally responsible for which the Department will make payment is a maximum of ninety (90) days of maternity home care for unmarried pregnant youth under age 18 at the time of anticipated delivery.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section 302.500 Purpose

The purpose of Subpart D is to describe how the Department will implement the services mandated by the "Family Preservation Act" which amended primarily the "Abused and Neglected Child Reporting Act" (Ill. Rev. Stat. 1987, ch. 23, pars. 2057.4 and 2058.2) and "AN ACT creating the Department of Children and Family Services, codifying its powers and duties and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1987, ch. 23, pars. 5005 and 5006a). Included in this subpart are the statewide phase-in plan for family preservation services and a description of the services to be provided.

(Source: Added at 14 Ill. Reg. , effective)

Section 302.510 Implementation of the Family Preservation Act

The Department is implementing the Family Preservation Act by the phasing in of intensive family preservation services provided by local community-based agencies experienced in providing social services to children and families. The phase-in will take place in accordance with Section 302.540.

(Source: Added at 14 Ill. Reg. , effective)

Section 302.520 Types of Intensive Family Preservation Services

Intensive Family Preservation Services include but are not limited to:

a) Homemaker services which include emergency caretakers, homemakers, housekeepers and chore services.

b) Counseling which includes individual therapy, group therapy, self-help groups, drug and alcohol counseling and vocational counseling.

c) Day care which includes protective day care, day care to meet educational, prevocational or vocational needs and respite care.

d) Educational services which include household management education, parenting education and employment-related education.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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e) Transportation services to be provided for the purpose of obtaining any of the other intensive family preservation services, when no other means of transportation is available. Other means of transportation include the family's own vehicle, public transportation where available and the use of relatives, friends and unpaid volunteers.

f) Emergency assistance and advocacy which includes services to secure emergency cash, food, housing and medical assistance or advocacy for other subsistence and family protection needs.

(Source: Added at 14 Ill. Reg. , effective)

Section 302.530 Emergency Assistance/Advocacy

a) Emergency financial assistance and advocacy services may be provided to families who are eligible for intensive family preservation services.

b) Advocacy services will be provided to assist the family in locating and obtaining needed public and private resources to alleviate needs which threaten the dissolution of the family. Such needs include lack of adequate housing, utilities, food, clothing and essential household items.

c) To be eligible for emergency financial assistance, the family must have an economic crisis causing them to fall below minimum parenting standards which cannot be alleviated by other public or private resources and the assistance is necessary to prevent the dissolution of the family.

d) Such financial assistance may only be provided to a family once during each fiscal year and the total amount of such assistance may not exceed $500 during a fiscal year.

(Source: Added at 14 Ill. Reg. , effective)

Section 302.540 Phase-in Plan for Statewide Family Preservation Services

The Department will phase-in family preservation services in the following manner:

a) During the first phase the Department will fund intensive family preservation services, as defined in these rules:

1) to families:

A) who are the subject of a child abuse or neglect report, and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) who have at least one child under the age of six residing in the home, and

C) for whom immediate placement of the child(ren) has been determined necessary or the Department has taken protective custody of the child(ren) until intensive family preservation services are in place, and

D) who have been the subject of three (3) or fewer indicated reports.

2) in at least one site in each of the Department's seven downstate regions and four sites in Cook County. These sites will be selected based on the following criteria:

A) the number of protective custodies

B) the number of children in foster care

C) the number of indicated reports of child abuse or neglect for families with children 0-6 years of age

D) the availability of other placement prevention resources

b) During the second phase, depending on sufficient funds appropriated by the General Assembly, the Department will:

1) extend intensive family preservation services to the same target population as defined in Subsection (a) (1) residing in other geographical areas of the state. The geographic areas for expansion will be selected on the basis of the same criteria listed in subsection (a) (2). Three years following the beginning of the first phase, intensive family preservation services shall be extended to the identical target population throughout the state;

2) increase the age of the youngest child in the targeted population up to and including 12 years of age;

3) begin providing intensive family preservation services to families with children in placement four months or less in order to reunite these families.

c) The remaining populations to be eligible for intensive family preservation services will be phased in, depending on sufficient appropriations, in the following order:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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1) families with Indicated reports of child abuse or neglect that are classified as Priority I or severe Priority II reports as defined in Appendix B, Child Abuse and Neglect Allegations, of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect;

2) families with children up to and including 17 years of age who are the subjects of an abuse or neglect report and for whom immediate placement is considered;

3) all families with children in substitute care and for whom reunification is an appropriate goal;

4) any persons who have adopted a child and require post adoption services;

(Source: Added at 14 Ill. Reg. , effective)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Administration of the Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: Proposed Action:

1501.517 amendment

4) Statutory Authority: Ill. Rev. Stat., 1987 and 1988 Suppl., ch. 122, par. 102-16

5) A Complete Description of the Subjects and Issues Involved: In 1988, the ICCB received statutory substantive authority to distribute grants to community colleges to assist in providing health insurance for their retirees (P.A. 85-1047). This year, the appropriations bill for the community college system (P.A. 86-115) included $2.6 million for the retirees health insurance grants.

Complications arose in that this year, Governor Thompson also signed into law HB 2369 and HB 1819. HB 2369 places the coverage of health insurance for retirees under the current state plan but does not obligate the institution to meet the costs. HB 1819 provides for the coverage of health insurance for all employees, both current and retired, under a state plan yet to be created; however, participation would be funded by the institution and/or individual. Both bills were amendatorily vetoed to delay the effective dates until July 1, 1990. The effect of these signings is that retirees health insurance grants appropriated to the ICCB will provide a subsidy for community college retirees for the remainder of fiscal year 1990.

The problem that arises is that in rules developed by the ICCB to implement the retirees health insurance program (adopted on September 22, 1989) a requirement was included that coverage for retirees be the same as that of the community college district's active employees. However, due to the retirees designation as a high-risk group and the complications resulting fron the signing of HB 2369 and HB 1819, many of the colleges are finding that the insurance carriers are unwilling to provide identical coverage to the retirees for even a short time.

Thus, in order to ensure that retirees are able to obtain some type of health insurance coverage and to assess the impact of the new legislation on the future of retirees, this emergency amendment is necessary and is accompanied by identical proposed rules.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

1501.111	amendment	November 3, 1989
1501.302	amendment	November 3, 1989
1501.303	amendment	November 3, 1989
1501.501	amendment	November 3, 1989

10) Statement of Statewide Policy Objectives: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

David Steelman, Associate Director
Governmental Relations
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0028

Written comments on the proposed rulemaking will be accepted for 45 days following publication of this notice.

12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small business.

The full text of the Proposed Amendment is identical to the text of the emergency amendment appearing on page 299 of this issue of the Illinois Register.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

1) Heading of Part: Title Insurance Act

2) Code Citation: 50 Ill. Adm. Code 8100

3) Section Number: Proposed Action:

8100.100	New Section
8100.105	New Section
8100.110	New Section
8100.114	New Section
8100.115	New Section
8100.120	New Section
8100.121	New Section
8100.125	New Section
8100.130	New Section
8100.135	New Section
8100.140	New Section
8100.145	New Section
8100.150	New Section
8100.155	New Section
8100.170	New Section
8100.190	New Section
8100.200	New Section
8100.205	New Section
8100.210	New Section
8100.215	New Section
8100.220	New Section
8100.225	New Section
8100.230	New Section
8100.235	New Section
8100.240	New Section
8100.245	New Section
8100.250	New Section
8100.255	New Section
8100.260	New Section
8100.265	New Section
8100.270	New Section
8100.275	New Section
8100.280	New Section
8100.400	New Section
8100.401	New Section
8100.402	New Section
8100.403	New Section
8100.600	New Section
8100.900	New Section
8100.905	New Section
8100.1000	New Section
8100.1005	New Section

8100.1100	New Section
8100.1200	New Section
8100.1300	New Section
8100.1500	New Section
8100.1505	New Section
8100.1510	New Section
8100.1515	New Section
8100.1600	New Section
8100.1700	New Section
8100.1702	New Section
8100.1704	New Section
8100.1706	New Section
8100.1708	New Section
8100.1710	New Section
8100.1712	New Section
8100.1714	New Section
8100.1716	New Section
8100.1718	New Section
8100.1720	New Section
8100.1722	New Section
8100.1724	New Section
8100.1726	New Section
8100.1728	New Section
8100.1730	New Section
8100.1732	New Section
8100.1734	New Section
8100.1736	New Section
8100.1738	New Section
8100.1740	New Section
8100.1742	New Section
8100.1744	New Section
8100.1746	New Section
8100.1748	New Section
8100.1750	New Section
8100.1752	New Section
8100.1754	New Section
8100.1756	New Section
8100.1758	New Section
8100.1810	New Section
8100.2010	New Section
8100.2100	New Section
8100.2102	New Section
8100.2104	New Section
8100.2106	New Section
8100.2108	New Section
8100.2110	New Section
8100.2112	New Section
8100.2114	New Section

8100.2116	New Section
8100.2118	New Section
8100.2120	New Section
8100.2122	New Section
8100.2124	New Section
8100.2126	New Section
8100.2128	New Section
8100.2130	New Section
8100.2132	New Section
8100.2134	New Section
8100.2136	New Section
8100.2138	New Section
8100.2140	New Section
8100.2142	New Section
8100.2144	New Section
8100.2146	New Section
8100.2148	New Section
8100.2150	New Section
8100.2152	New Section
8100.2160	New Section
8100.2400	New Section
8100.3000	New Section

4) Statutory Authority: Public Act 86-239, effective January 1, 1989.

5) Complete Description of the Subjects and Issues Involved:

These new sections are proposed to implement the Title Insurance Act. (the "Act")

Sections 8100.100 through 8100.190 are requirements of general application governing notification, certification, filing, place of filing, fees and variances.

Sections 8100.200 through 8100.280 are definitions of terms.

Sections 8100.400 through 8100.1515 establish acceptable deposits, computation of and change requirements for deposits, recordkeeping, reports and payments for Title Insurance Companies.
Section 8100.1600 establishes the registration of Title Insurance Agents.

Sections 8100.1700 through 8100.1750 provide for the establishment of and the requisites for handling escrow accounts by Independent Escrowees including recordkeeping, reporting and deposit requirement.

Section 8100.1810 sets forth a prohibition for favored title insurance company or agent.

Section 8100.2010 establishes a manner and method of requesting opinions from the Department.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

Sections 8100.2100 through 8100.2160 establish the procedure for administrative hearings under the Act.

Sections 8100.2400 set forth allowed and prohibited conduct by certified, registered or licensed persons for the protection of consumer effected by the Act.

Section 8100.3000 establishes a prohibition of public disclosure of sensitive material.

6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect?

Yes

7) Does this Rulemaking Contain an Automatic Repeal Date? No.

8) Does this Rulemaking Contain Incorporations by Reference? No.

9) Are there Any Other amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

11) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking:

Henry Sintzenich, Deputy Counsel
Consumer Credit Division
Department of Financial Institutions
500 Iles Park Place, Suite 314
Springfield, IL 62718-1094
217/782-3704

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 22, 1989.

B) Types of Small Business Affected: Title Insurance Agents and Independent Escrowees are for the first time pursuant to the Title Insurance Act required to be registered. Minimum essential requirements are imposed by this rulemaking to provide for registration, compliance and consumer protection.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance: Filing and updating of registration documents or forms, reporting compliance deficiencies and submission of annual financial reports.

D) Types of Professional Skills Necessary for Compliance: Basic management and recordkeeping.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

The full text of the proposed rules begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER 5: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 8100
TITLE INSURANCE ACT

SUBPART A: RULES OF GENERAL APPLICATION

Section
8100.100 Notice of Suspension or Revocation
8100.105 Notification of Noncompliance or Material Change
8100.110 Display of Certificates, Registrations and Licenses
8100.114 Certification and Licensing
8100.115 Prohibition on Filing Application
8100.120 Computation of Time
8100.121 Requirements as to Proper Form
8100.125 Place of Filing
8100.130 Additional Information
8100.135 Additional Exhibits
8100.140 Information Unknown or Not Reasonably Available
8100.145 Requirements as to Paper, Printing, and Language
8100.150 Number of Copies--Signatures
8100.155 Audit Fees
8100.170 Extension of Date for Filing
8100.190 Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

8100.200 Definition of terms Used in this Part
8100.205 Definition of the term *"Domestic Title Insurance Company"* as Used in the Act
8100.210 Definition of the term *"Application"* as Used in Section 4.(d) and 8.(b) of the Act
8100.215 Definition of the term *"Audit"* as Used in Section 12.(b) of the Act
8100.220 Definition of the term *"Bonds of the United States"* as Used in Section 4.(a) of the Act
8100.225 Definition of the term *"Bonds ... of Any Body Politic of This State"* as Used in Section 4.(a) of the Act
8100.230 Definition of the term *"Bonds ... of This State"* as Used in Section 4.(a) of the Act
8100.235 Definition of the term *"Qualified to Do Business in This State"* as Used in Section 4.(a) of the Act
8100.240 Definition of the term *"Title Plant"* as Used in Section 7.(b) of the Act

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

8100.245 Definition of the term *"Net Retained Liability"* as Used in Section 8.(a) and 11.(b) of the Act
8100.250 Definition of the term *"Capital"* as Used in Section 9.(a) of the Act
8100.255 Definition of the term *"Notice"* as Used in Section 9.(b) of the Act
8100.260 Definition of the term *"Alien Title Insurance Company"* as Used in Section 11.(b) of the Act
8100.265 Definition of the term *"Foreign Title Insurance Company"* as Used in Section 11.(b) and 15 of the Act
8100.270 Definition of the term *"Like Purposes"* as Used in Section 15 of the Act
8100.275 Definition of the term *"Party"* as Used in Section 23 of the Act
8100.280 Definition of the term *"Person"* as Used in Section 24 of the Act

SUBPART C: TITLE INSURANCE COMPANIES

8100.400 Bonds and Securities Acceptable for Deposit
8100.401 Place of Deposit
8100.402 Computation of Amount on Deposit
8100.403 Exchange of Bonds on Deposit
8100.600 Reinsurance
8100.900 Impairment
8100.905 Definition of the term "Statutory Liabilities" as Used in This Subpart.
8100.1000 Date of Redetermination of Required Reserves
8100.1005 Records of Required Reserves
8100.1100 Records of Statutory Premium Reserve
8100.1200 Consumer Complaints
8100.1300 Report of Condition
8100.1500 Due Date for Filing Report
8100.1505 Due Date for Deposits and Payments
8100.1510 Review of Reports
8100.1515 Due Date for Delinquency Assessment

SUBPART D: TITLE INSURANCE AGENTS

8100.1600 Registration of Title Insurance Agents

SUBPART E: INDEPENDENT ESCROWEES

8100.1700 Bond and Securities Acceptable for Deposit
8100.1701 Place of Deposit
8100.1702 Computation of Amount on Deposit
8100.1703 Exchange of Bonds on Deposit
8100.1704 Starker Exchange
8100.1705 Independent Accountant
8100.1706 Notice of Judgments
8100.1708 Maintenance of Books
8100.1710 Annual Report
8100.1712 Due Date for Filing of Annual Report
8100.1714 Confirmation of Escrow Fund and Liability

8100.1716 Basis of Books
8100.1718 Posting Dates
8100.1720 Escrow Books
8100.1722 General Books
8100.1724 Special Accounts
8100.1726 Records to be Preserved
8100.1728 Withdrawals From Special Accounts
8100.1730 Debit Balances Prohibited
8100.1732 Delivery of Documents or Property
8100.1734 Dated Instructions
8100.1738 Printed Instructions
8100.1740 Withdrawal of Escrow Fees
8100.1742 Notice of Interest
8100.1744 Transfers Between Escrows
8100.1746 Escrow Receipts
8100.1748 Drawing of Checks
8100.1750 Statement of Account

SUBPART F: FAVORED COMPANY OR AGENT

8100.1810 Favored Title Insurance Company or Title Agent

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

8100.2010 Request for Non-Binding Statements

SUBPART H: PROCEDURES FOR ADMINISTRATIVE HEARINGS

8100.2100 Preamble
8100.2102 Qualifications and Duties of the Hearing Officer
8100.2104 Notice of Hearing
8100.2106 Institution of a Contested Case by the Department
8100.2108 Requirement to File an Answer
8100.2110 Amendment or Withdrawal of the Notice of Hearing
8100.2112 Representation
8100.2114 Special Appearance
8100.2116 Substitution of Parties
8100.2118 Failure to Appear
8100.2120 Motions
8100.2122 Requirements Relating to Continuances
8100.2124 Rules of Evidence
8100.2126 Form of Papers
8100.2128 Bill of Particulars
8100.2130 Discovery
8100.2132 Examination of Witnesses
8100.2134 Subpoenas
8100.2136 Pre-Hearing Conferences
8100.2138 Record of a Pre-Hearing Conference
8100.2140 Hearings

8100.2142 Record of Proceedings
8100.2144 Record of Hearing
8100.2146 Orders
8100.2148 Stipulations
8100.2150 Open Hearings
8100.2152 Corrections to the Transcript
8100.2160 Disputes Between Parties Certified, Registered or Licensed by the Department

SUBPART I: CONSUMER PROTECTION

8100.2400 Standards of Conduct

SUBPART J: PUBLIC INFORMATION

8100.3000 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Title Insurance Act (P.A. 86-239, effective January 1, 1990)

SOURCE: Emergency rules adopted at 14 Ill. Reg. 305, effective 1/1/90, for a maximum of 150 days; adopted at 14 Ill. Reg._____, effective _____.

SUBPART A: RULES OF GENERAL APPLICATION

Section 8100.100 Notice of Suspension or Revocation

The suspension or revocation of any certificate, registration, or license issued under this Act is effective upon completion of service pursuant to the provisions of Section 21.(b) of the Act. Where service is made by registered or certified mail, the Department will, if possible, notify by telephone or by facsimile transmission the affected person or party of the suspension or revocation.

Section 8100.105 Notification of Noncompliance or Material Change

All holders of or applicants for any certificate of authority, registration or license issued pursuant to the Act shall submit written notification to this Department within a maximum of ten (10) business days of any noncompliance with the provisions of this Act and any material change in 32ndition which places or tends to place any policyholder in jeopardy.

Section 8100.110 Display of Certificates, Registrations and Licenses

Each holder of a certificate of authority, registration or license issued pursuant to the Act shall display it in a manner conspicuous to the public or maintain it at its principal place of business for inspection upon request by the public.

Section 8100.114 Certification and Licensing

a) Any applicant requesting certification as a title insurance company or licensing as

an independent escrowee, prior to certification shall provide, as a minimum, the following information to the Department:

1) A certified copy of the Certificate of Authority from the Illinois Secretary of State authorizing it to do business in the State of Illinois, if any;

2) A Certificate issued by the State/domicile setting forth that it is in good standing and further setting forth the date upon which the Articles of Incorporation were issued, if any;

3) A certified copy of the assumed name filing, if any;

4) A brief narrative history of the company, if any;

5) A listing of the officers, directors and owners of the company, if any;

6) A listing of the company shareholders, if any;

7) A certified copy of the company's charter and by-laws and any amendments thereto, if any;

8) A Certificate of Compliance from the State of domicile, if any;

9) A copy of the most recent audited financial statements including a letter of opinion, if any;

10) The last published Annual Report of the company, if any;

11) A copy of the most recent examination, if applicable, by the State of domicile;

12) A copy of the Certificate of Deposit from the State of domicile and other states in which the company does business, if any;

13) A listing of the counties in Illinois in which you propose to conduct your business;

14) The nature and amount of the proposed deposit as provided for in the Act;

15) A listing of all its locations or proposed locations in the State of Illinois by name, address and phone number;

16) The name, address and phone number of a member of the company, or person to direct questions regarding the application; and

17) The names and addresses of any proposed agents.

b) The Director or the Director's authorized representative shall require the filing of additional information with the Department to assure the business repute and

qualification of the applicant requesting certification.

Section 8100.115 Prohibition on Filing Application

No person or party whose application has been denied or refused or whose certificate of authority, registration or license has been revoked for a violation of the Act hereunder shall be entitled to file another application within one year from the effective date of such denial, refusal or revocation, or if judicial review of such denial, refusal or revocation is sought, within one year from the date of final court order or decree affirming such action. Such application, when filed after one year, may be refused by the Director unless the person or party shows good cause why the denial, refusal or revocation of the certificate of authority, registration, or license shall not be deemed a bar to the issuance of a new license.

Section 8100.120 Computation of Time

The time within which an act under the Act shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the date succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

Section 8100.121 Requirements as to Proper Form

Any document filed with the Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed therefor by the Director. Any such document shall be deemed to be filed on the proper form unless objection to the form is made by the Department.

Section 8100.125 Place of Filing

All applications and other papers filed with the Title Insurance Section of the Consumer Credit Division of the Department of Financial Institutions shall be filed at Springfield, Illinois. Such material may be filed by delivery to the Department, through the mails or otherwise.

Section 8100.130 Additional Information

In addition to the information expressly required to be included in an application, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

Section 8100.135 Additional Exhibits

Any holder or applicant may file such exhibits as it may desire in addition to those required by the appropriate form. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

Section 8100.140 Information Unknown or Not Reasonably Available

Information required need be given only insofar as it is known or reasonably available to

the holder or applicant. If any required information is unknown and not reasonably available to it, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with it, the information may be omitted, subject to the following conditions:

a) The holder or applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

b) The holder or applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

Section 8100.145 Requirements as to Paper, Printing and Language

a) Application shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper, if folded to that size, and the prospectus may be on smaller paper, if the registrant so desires, but not less than 7 1/2 by 9 inches in size.

b) The application and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which in the opinion of the Department produces copies suitable for permanent record. Irrespective of the process used, all copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

c) The application shall be in the English language. If any exhibit or other paper or document filed with the application is in a foreign language, it shall be accompanied by a translation into the English language.

Section 8100.150 Number of Copies--Signatures

a) One copy of the completed application, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Department.

b) If any name is signed to the application pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, if the name of any officer signing on behalf of the applicant, or attesting the applicant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 8100.155 Audit Fees

Audit Fees under the Act are as follows:

a)	Section 4.(d)		
	1)	Each examiner man-day or part thereof	$500
	2)	Transportation, lodging, per diem miscellaneous expense	ACTUAL COST
b)	Section 12		
	1)	Each examiner man-day or part thereof	$300
	2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST
c)	Section 17.(f)		
	1)	Each examiner man-day or part thereof	$300
	2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST

Section 8100.170 Extension of Date for Filing

The Director or the Director's authorized representative may, upon receipt of a written application, extend for up to thirty (30) days any filing deadline set forth in the Act.

Section 8100.190 Provisions for Granting of Variance from Rules

The Director or the Director's authorized representative may grant variances from these Rules in individual cases where it is determined that:

a) the provision from which the variance is granted is not statutorily mandated;

b) no party will be injured by granting the variance; and

c) the Rule from which the variance is granted would, in the particular case, be unnecessarily burdensome.

SUBPART B: DEFINITIONS

Section 8100.200 Definition of terms Used in this Part

a) As used in this Part prescribed by the Director, pursuant to the Title Insurance Act, unless the context otherwise requires, the term:

"Act" means the Title Insurance Act (P.A. 86-239, effective January 1, 1990) and the Rules in this Part.

"Delinquency Assessment" means any amount, as determined by the Department, payable under Section 15 of the Act and not submitted with the report of each foreign title company as required under Section 8100.1500 of this Part.

"Surplus as regards policyholders" means the total of capital paid-up, gross paid-in and contributed surplus, special surplus funds, unassigned funds less treasury stock at cost, all as shown on the company's balance sheet.

"Consideration" means, but is not limited to, monies, things, salaries, fees, duplicate payments of a charge, stocks, dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or loan guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

Section 8100.205 Definition of the term *"Domestic Title Insurance Company"* as Used in the Act

The term *"Domestic Title Insurance Company"* as used in the Act shall mean a title insurance company organized under the laws of this State.

Section 8100.210 Definition of the term *"Application"* as Used in Section 4.(d) and 8.(b) of the Act

The term *"Application"* as used in Section 4.(d) and 8.(b) of the Act shall mean a request in writing under oath containing all the relevant facts upon which a decision can be made, and the specific relief requested.

Section 8100.215 Definition of the term *"Audit"* as Used in Section 12.(b) of the Act

The term *"Audit"* as used in Section 12.(b) of the Act shall include, but not be limited to, any annual or special examination, visit or review required under the Act or required by the Director or the Director's authorized representative in carrying out the duties and responsibilities under the Act.

Section 8100.220 Definition of the term *"Bonds of the United States"* as Used in Section 4.(a) of the Act

The term *"Bonds of the United States"* as used in Section 4.(a) of the Act shall include

bonds, bills and notes issued by the United States, the United States Federal Reserve and direct obligations of the United States of America for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the United States of America.

Section 8100.225 Definition of the term *"Bonds ... of Any Body Politic of This State"* as Used in Section 4.(a) of the Act

The term *"Bonds ... of Any Body Politic of This State"* as used in Section 4.(a) of the Act shall mean direct, general obligations of any body politic of this State for the payment of money, or obligations for the payment of money to the extent guaranteed as to the payment of principal and interest by the State on the following conditions:

a) The obligations are payable or guaranteed from ad valorem taxes;

b) Such body politic is not in default in the payment of principal or interest of any of its direct or guaranteed obligations; and

c) No investment shall be made in obligations which are secured only by special assessments.

Section 8100.230 Definition of the term *"Bonds ... of This State"* as Used in Section 4.(a) of the Act

The term *"Bonds ... of This State"* as used in Section 4.(a) of the Act shall mean direct, general obligations of this State for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the State on the following conditions:

a) The State has the power to levy taxes for the prompt payment of the principal and interest of such obligations, and

b) The State shall not be in default in the payment of principal or interest on any of its direct, guaranteed or insured obligations at the date of such investment.

Section 8100.235 Definition of the term *"Qualified to Do Business in This State"* as Used in Section 4.(a) of the Act

The term *"Qualified to Do Business in This State"* as used in Section 4.(a) of the Act shall mean the date of and period in which a company is in compliance with the requirements of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch. 32, par. 1.10 et seq.).

Section 8100.240 Definition of the term *"Title Plant"* as Used in Section 7.(b) of the Act

The term, *"Title Plant"* as used in Section 7.(b) of the Act shall mean a set of records in which an entry has been made of documents or matters imparting constructive notice under the law of matters affecting title to real property or any interest therein or encumbrance thereon, which have been filed or recorded in the jurisdiction for which such title plant is

maintained.

Section 8100.245 Definition of the term *"Net Retained Liability"* as Used in Section 8.(a) and 11.(b) of the Act

The term *"Net Retained Liability"* as used in Section 8.(a) and 11.(b) of the Act shall mean the total liability retained by a title insurance company for a single risk, after taking into account the deduction for ceded liability, if any.

Section 8100.250 Definition of the term *"Capital"* as Used in Section 9.(a) of the Act

The term *"Capital"* as used in Section 9.(a) of the Act shall mean the total of the shareholders equity, paid-up, the retained earnings and the retained surplus as determined by a title insurance company each month.

Section 8100.255 Definition of the term *"Notice"* as Used in Section 9.(b) of the Act

The term *"Notice"* as used in Section 9.(b) of the Act shall include, but not be limited to, a communication accomplished by telephone, United States Postal Service, private mail service, computer transaction or facsimile transmission.

Section 8100.260 Definition of the term *"Alien Title Insurance Company"* as Used in Section 11.(b) of the Act

The term *"Alien Title Insurance Company"* as used in Section 11.(b) of the Act shall mean any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof.

Section 8100.265 Definition of the term *"Foreign Title Insurance Company"* as Used in Section 11.(b) and 15 of the Act

The term *"Foreign Title Insurance Company"* as used in Section 11.(b) and 15 of the Act shall mean any title insurance company organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States.

Section 8100.270 Definition of the term *"Like Purposes"* as Used in Section 15 of the Act

The term *"Like Purposes"* as used in Section 15 of the Act shall not include the fee specified in Section 14.(b) of the Act.

Section 8100.275 Definition of the term *"Party"* as Used in Section 23 of the Act

The term *"Party"* as used in Section 23 of the Act shall include, but not be limited to, all holders of or applicants for any certificate of authority, registration, or license, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

Section 8100.280 Definition of the term *"Person"* as Used in Section 24 of the Act

The term *"Person "* as used in Section 24 of the Act shall include, but not be limited to, all holders of or applicants for any certificate of authority, registration, a license, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

SUBPART C: TITLE INSURANCE COMPANIES

Section 8100.400 Bonds and Securities Acceptable for Deposit

Each Title Insurance Company ("Company") prior to becoming certified by the Director to transact the business of insuring and guaranteeing titles to real estate in this State shall deposit with the Department bonds of the United States, this State or any body politic of this State in the amount specified by Section 4.(b) of the Act ("Bonds"). No other bonds or securities are acceptable for deposit.

Section 8100.401 Place of Deposit

Each Company shall:

a) instead of physical delivery of the Bonds to the Department place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987 ch. 17, par. 1551-1 et seq.) now and hereafter amended ("Depository Institution");

b) execute and deliver to the Department, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and

c) file with the Department a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the Bonds on deposit.

Section 8100.402 Computation of Amount on Deposit

Each Company shall compute the value of the Bonds on deposit. The computation shall be made using the actual cash value of each Bond, not face value. At all times, the actual cash value of the Bonds on deposit must equal at least 95% of the face value of the Bonds on deposit, as specified under Section 4.(b) of the Act.

Section 8100.403 Exchange of Bonds on Deposit

No Company shall exchange, substitute, remove, encumber, or hypothecate, Bonds on deposit without receiving prior thereto written approval from the Director or the Director's authorized representative.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

Section 8100.600 Reinsurance

a) *Application of this Section is limited to residential properties of 4 or fewer units, at least one of which units is occupied or to be occupied by an owner, legal or beneficial*

b) Any reinsurance of liability under a title insurance policy issued on risks located in this State shall be obtained from a Company certified by this Department unless prior thereto a written application for exception has been filed with and an exception has been granted by the Director or the Director's authorized representative.

Section 8100.900 Impairment

Impairment occurs when the statutory liabilities of a Company exceed 25% of capital or surplus as regards policyholders for a period of thirty (30) calendar days.

Section 8100.905 Definition of the term "Current Liabilities" as Used in This Subpart

The term "current liabilities" as used in this subpart shall mean all liabilities of the Company less the following: reserves required by law or otherwise, reserves for undetermined title losses of which notice has been received, premiums and other consideration received in advance, unearned interest and real estate income received in advance, amounts withheld or retained by the Company for account of others, and dividends declared and unpaid.

Section 8100.1000 Date of Redetermination of Required Reserves

Each Company shall redetermine the reserves required under Section 10 of the Act annually on December 31st regardless of the date when the initial reserve against unpaid losses and loss expenses were established.

Section 8100.1005 Records of Required Reserves

Each Company shall maintain a record by date of each notice received, which computes a revision or readjustment to the reserve.

Section 8100.1100 Records of Statutory Premium Reserve

Each Company shall maintain a record of the statutory premium reserve required pursuant to Section 11 of the Act, which sets forth the basis of and computation of the reserve, along with the amount of, date of and computation of each amount released from the reserve.

Section 8100.1200 Consumer Complaints

Each Company shall maintain for review by the Department:

a) A file containing each written complaint received from any person or party regarding property located in this State other than matters for which a separate claim file has been opened, together with the response to or resolution of the complaint.

b) The files must be maintained during each audit period and will be reviewed by and released by the Department's examiner at the time of annual audit. The completion of the audit without limitation to the contrary shall constitute such release and permit the Company to dispose of complaints responded to or otherwise resolved.

Section 8100.1300 Report of Condition

a) Each Company shall file a report of condition pursuant to Section 13 of the Act which includes, but is not limited to:

1) an audited financial statement;

2) the current address and telephone number of the main administrative office;

3) the primary location of books and records;

4) a list of officers and directors;

5) a list of and analysis of investments;

6) a schedule of special and regular deposits;

7) a list of subsidiary, controlled or affiliated companies;

8) an organization chart;

9) a narrative report of all contingencies which may have a material affect on finances or operations; and

10) the date of and state conducting the latest financial examination of the company.

b) The Director or the Director's authorized representative, after review of the report of condition, may request further and additional information to assure the business repute and qualifications of the Company.

Section 8100.1500 Due Date for Filing Report

Each foreign title insurance company shall file not later than May 15th of each year a report setting forth the basis for, computation of and amount due pursuant to Section 15 of the Act.

Section 8100.1505 Due Date for Deposits and Payments

All amounts due pursuant to Section 15 of the Act shall be paid to and received by this Department not later than May 15th of each year.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

Section 8100.1510 Review of Reports

Each report filed with the Department will be reviewed. A report of the review including any delinquency assessment will be submitted to the filing company.

Section 8100.1515 Due Date for Delinquency Assessment

Amounts due pursuant to the delinquency assessment shall be paid to and received by this Department within thirty (30) days of the date of issuance of the delinquency assessment.

SUBPART D: TITLE INSURANCE AGENTS

Section 8100.1600 Registration of Title Insurance Agents

a) Each Company shall make the annual filing of the required registration form for title insurance agents on or before February 1st of each year. Included with the filing shall be the annual fee computed in accordance with Section 14.(b) of the Act.

b) Each Company shall file, at least monthly, supplemental registrations for new title insurance agents. Included with the filing shall be any additional fee computed in accordance with Section 14.(b) of the Act.

c) No title insurance agent shall conduct business before:

1) having obtained errors and omissions insurance, if required, in an amount acceptable to the title insurance company appointing the agent; and

2) being registered with this Department.

d) A Company may voluntarily withdraw the registration of a title insurance agent or limit the duties of a title insurance agent. Within five (5) business days of the withdrawal or limitation, the Company shall notify this Department of the action taken.

e) Withdrawal of the registration of a title insurance agent or limitation of the duties of a title insurance agent shall not be deemed to prevent this Department from taking action under Section 21.(a) of the Act.

SUBPART E: INDEPENDENT ESCROWEES

Section 8100.1700 Bonds and Securities Acceptable for Deposit

Each independent escrowee prior to becoming certified by the Director to transact business in this State will deposit with the Department bonds of the United States, this State or any body politic of this State in the amount specified by Section 4.(b) of the Act ("Bonds"). No other bonds or securities are acceptable for deposit.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

Section 8100.1701 Place of Deposit

Each independent escrowee shall:

a) instead of physical delivery of the Bonds to the Department, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987 ch. 17, par. 1551-1 et seq.) as now and hereafter amended ("Depository Institution");

b) execute and deliver to the Department, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and

c) file with the Department a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the Bonds on deposit.

Section 8100.1702 Computation of Amount on Deposit

Each independent escrowee shall compute the value of the Bonds on deposit. The computation will be made using the actual cash value of each Bond, not face value. At all times, the actual cash value of the Bonds on deposit must equal at least 95% of the face value of the Bonds on deposit, as specified under Section 4.(b) of the Act.

Section 8100.1703 Exchange of Bonds on Deposit

No independent esrowee shall exchange, substitute, remove, encumber or hypothecate Bonds on deposit without receiving prior thereto written approval from the Director or the Director's authorized representative.

Section 8100.1704 Starker Exchange

Licensed attorneys, retained by the parties to a real estate transaction to act solely as escrowee, trustee or other capacity in effectuating a Starker exchange (Starker vs. U.S., 602 F.2d 1341 (9th Cir. 1979)) or other similar transaction, structured to obtain favorable tax treatment under the Internal Revenue Code or other tax law, are not independent escrowees.

Section 8100.1705 Independent Accountant

The Annual Report and all financial statements provided to the Department by an independent escrowee shall be prepared by an independent certified public accountant.

Section 8100.1706 Notice of Judgments

An independent escrowee shall notify the Director in writing immediately after an entry of a money judgment in a civil action against the independent escrowee, or entry of a judgment

involving moral turpitude against any independent escrowee, officer, or director of an independent escrowee, and immediately after the filing of a criminal action involving moral turpitude against the independent escrowee, or any of its officers, or directors.

Section 8100.1708 Maintenance of Books

An independent escrowee shall maintain its books, records and accounts and shall notify the Director in writing of the location of its books, records and accounts. Such books, records and accounts shall be maintained at such location unless the independent escrowee shall notify the Director in writing at least fifteen (15) days prior to changing the location of such books.

Section 8100.1710 Annual Report

a) An independent escrowee shall make an annual report;

b) The annual report shall include, but is not limited to:

1) an audited financial statement;

2) the current address and telephone number of the main administrative office;

3) the primary location of books and records;

4) a list of officers, directors and shareholders including addresses;

5) a list of and analysis of investments;

6) a schedule of special and regular deposits;

7) a list of subsidiary, controlled or affiliated companies;

8) an organization chart;

9) a narrative report of all contingencies which may have a material affect on finances or operations; and

10) the date of and state conducting the latest financial examination of the company.

c) The Director or the Director's authorized representative, after review of the annual report, may request further and additional information to assure the business repute and qualifications of the Company

Section 8100.1712 Due Date for Filing of Annual Report

Each independent escrowee shall file an annual report not later than March 31st of each year.

Section 8100.1714 Confirmation of Escrow Fund and Liability

The annual report shall include a statement that the escrow fund was confirmed by the accountant in writing directly with the depositories and that the escrow liability was confirmed by the accountant in writing directly with escrow depositors of at least twenty-five (25) escrow accounts or one-fourth of the number of escrow accounts having balances at the reporting date, whichever number is greater. If the independent escrowee has less than twenty-five (25) such accounts, all shall be confirmed.

Section 8100.1716 Basis of Books

An independent escrowee shall maintain its books, records and accounts in accordance with generally accepted accounting principles and good business practice.

Section 8100.1718 Posting Dates

All receipts and disbursements of monies by an independent escrowee shall be posted in the escrow ledger as of the date of such receipts and disbursements, regardless of the date of posting.

Section 8100.1720 Escrow Books

An independent escrowee shall establish and maintain current the following books with reference to its escrow accounts:

a) escrow ledger containing a separate ledger sheet for each escrow;

b) escrow liability controlling account; and

c) cash receipt and disbursement journal or a file containing copies of all receipts and checks and/or check stubs of checks issued by the escrow agent as a medium of posting to the records referred to in subsections (a) and (b) in which case adding machine tapes of totals of receipts and checks shall be retained. The records referred to in subsections (a) and (b) shall be reconciled at least once each month with the bank statements of the "trust" or "escrow" account. The records referred to in subsection (a) shall be reconciled at least once each week with the escrow liability controlling account referred to in subsection (b).

Section 8100.1722 General Books

An independent escrowee shall establish and maintain current the following books with reference to its general accounts:

a) general ledger reflecting the assets, liabilities, capital, income and expense of the business, in accordance with general accepted accounting principles; and

b) cash receipt and disbursement journal.

Section 8100.1724 Special Accounts

a) All money received by an independent escrowee as part of an escrow transaction shall on or before the close of the next full working day after such receipt be deposited in a bank, a savings bank, a savings and loan association or credit union ("financial institution") in an account designated "trust" or "escrow" account, or in an account otherwise designated by a name indicating that the funds contained therein are not the funds of the escrow agent, but only if such other designation has been first approved by the Director. No funds other than those received as part of an escrow transaction shall be deposited in such account or otherwise commingled with escrow money.

(b) Pursuant to written instructions of the principals containing at least the provisions required by subsection (c), funds received in any particular escrow transaction and deposited pursuant to subsection (a) may subsequently be deposited into an interest-bearing escrow account established solely for such purpose at a financial institution in the name of the independent escrowee as trustee for the principals to the particular escrow identified by escrow number.

(c) The escrow instructions for interest-bearing escrow deposits shall, at a minimum:

1) authorize the opening of an interest-bearing escrow account in the name of the independent escrowee as trustee for the particular escrow identified by escrow number;

2) specify the type of account to be opened and the amount of the deposit;

3) identify the name and location of the financial institution with which the interest-bearing account is to be opened;

4) specify:

A) the disposition of the interest at the close of escrow;

B) the disposition of the interest in the event that the escrow fails to close; and

C) the disposition of any accrued interest retained in the interest-bearing escrow account after the close of escrow pursuant to subsection (g);

5) indicate that the principals have been advised by the independent escrowee of possible restrictions or penalties, or both for early withdrawal of funds; and

6) prohibit the independent escrowee from withdrawing funds from the interest-bearing account except for redeposit into the "trust" or "escrow" account.

d) An independent escrowee is responsible for establishing and maintaining an interest-bearing account so that the funds are fully insured or guaranteed, to the extent available by law.

e) An independent escrowee is responsible for establishing and maintaining adequate controls over the passbooks and certificates issued by financial institutions in connection with interest-bearing escrow accounts.

f) An independent escrowee depositing escrow funds into interest-bearing escrow accounts shall establish and maintain a control ledger summarizing the deposits in interest-bearing escrow accounts or shall make a memo entry on each individual escrow ledger. The posting of the ledger shall include the escrow number, interest-bearing account number, date of deposit, and amount of deposit.

g) All funds deposited into an interest-bearing escrow account, including any interest paid thereon, shall be transferred from such account into the "trust" or "escrow" account before the close of escrow, except that a specified portion of all the interest accrued may be retained in the interest-bearing escrow account until the end of the current calendar quarter if the escrow instructions of the principals so provide.

h) Disbursements from the "trust" or "escrow" account shall not be made against funds deposited in an interest-bearing escrow account until such funds have been transferred and receipted into the "escrow" or "trust" account with proper posting to the particular escrow.

i) No electronic fund transfers, except in commercial transactions, shall be made between the "trust" or "escrow" account and any interest-bearing account. Transfers shall be made only in a manner consistent with the provisions of Section 8100.1744 of this Part.

j) Interest paid on any interest-bearing escrow account shall be paid over to the principal having deposited the moneys in escrow unless the escrow instructions clearly specify that such interest is to be paid over to a named person.

k) An independent escrowee which wishes to transact business as an escrow agent on a basis other than as provided by this Subpart may request in writing a variance to or waiver of any provisions of this Subpart, but may not engage in business in a manner not in compliance with this Subpart without first having received a waiver or variance in writing from the Director or the Director's authorized representative.

l) Any request for a variance or waiver shall include at least:

1) a statement of the basis upon which the escrow agent's business is proposed to be transacted in connection with a particular named financial institution;

2) a description of the plan of business and applicable procedures including copies of all agreements or memoranda of understanding between the independent escrowee and the financial institution;

3) a showing that the proposed plan of business and applicable procedures provide for administrative and accounting controls at least as adequate as those provided in this Subpart; and

4) a statement of the reasons why, under the escrow agent's circumstances, a variance or waiver is requested.

m) Any variance or waiver granted pursuant to this Subpart by the Director or the Director's authorized representative shall be in writing and subject to such terms and conditions as may be deemed necessary or advisable by the Director or the Director's authorized representative to protect any escrow relationship.

Section 8100.1726 Records to be Preserved

An independent escrowee shall preserve for at least three (3) years from the close of escrow:

a) all bank statements of the "trust" or "escrow account";

b) all canceled checks drawn upon the "trust" or "escrow" account;

c) copies of bank deposit slips with reference to the "trust" or "escrow" account;

d) all additional records reflecting banking transactions with reference to the "trust" or "escrow" account, including copies of all receipts for funds transferred from interest-bearing accounts into the "trust" or "escrow" account;

e) the Statement of Account;

f) escrow instructions and amendments thereto; and

g) all additional records pertinent to the escrow transaction.

Section 8100.1728 Withdrawals From Special Accounts

All money deposited in such "trust" or "escrow" account shall be withdrawn, paid out, or transferred to other accounts only in accordance with the written instructions of the principals to the escrow transaction or pursuant to order of a court of competent jurisdiction.

Section 8100.1730 Debit Balances Prohibited

An independent escrowee shall not withdraw, pay out or transfer moneys from any particular escrow account in excess of the amount to the credit of such account at the time of such withdrawal, payment or transfer.

Section 8100.1732 Delivery of Documents or Property

An independent escrowee shall use documents or other property deposited in escrow only in accordance with the written instructions of the principals to the escrow transaction, or if not

otherwise directed by written instructions, in accordance with sound escrow practice, or pursuant to order of a court of competent jurisdiction.

Section 8100.1734 Dated Instructions

All escrow instructions shall be dated.

Section 8100.1738 Printed Instructions

a) A preprinted form of escrow instructions shall not contain:

1) an authorization or direction to disburse any money except to an authorized independent escrowee prior to recordation of instruments in escrows relating to real property or prior to consummation of sale in escrows relating to bulk sales of personal property; or

2) an authorization or direction to deliver, except to a duly authorized subescrow agent or record instruments affecting ownership or interest in real or personal property, prior to deposit with the independent escrowee of the full sum of money required to be deposited in escrow under escrow instruction.

b) Nothing contained in this section shall prohibit:

1) the insertion of such authorization in the form of escrow instructions, in handwriting or typewriting, at the direction of the party executing such instructions; or

2) an instruction authorizing disbursements in payment of services, fees or other items of expense, not including, however, commissions payable to brokers or agents.

Section 8100.1740 Withdrawal of Escrow Fees

Earned escrow fees shall be withdrawn from such "trust" or "escrow" account at least once each month.

Section 8100.1742 Notice of Interest

An independent escrowee shall act without partiality to any of the parties to an escrow transaction. If an independent escrowee or a person or company related to or affiliated with the independent escrowee is a principal to the escrow transaction or is acting or has acted as broker or salesman in relation to the escrow transaction, the independent escrowee shall advise in writing all parties to the escrow transaction of such relationship or affiliation before being employed as independent escrowee in connection with such transaction. Such advise shall be on the face of the escrow instructions in not less that eight (8) point bold type or its equivalent.

Section 8100.1744 Transfers Between Escrows

Transfers of funds between escrows may not be accomplished by the making of book entries alone, but must be accomplished by the actual writing of a check from one escrow to the other; and by the depositing of such check for the account of, and the writing of a receipt for, the escrow to which the funds are being transferred. Such transfers must also be properly supported and documented in the escrow files by inclusion of the reasons for, and the appropriate approval of, the transfer.

Section 8100.1746 Escrow Receipts

An independent escrowee shall issue consecutively prenumbered receipts for all escrow money or checks deposited with or mailed to the independent escrowee and retain copies of such receipts in a separate file.

Section 8100.1748 Drawing of Checks

A check shall not be drawn, executed or dated prior to the existence, in the particular escrow account against which it is drawn, executed or dated, of a sufficient credit balance to cover said check.

Section 8100.1750 Statement of Account

Upon completion of an escrow transaction, an independent escrowee shall render to each principal to the escrow transaction a statement of the principal's account in writing. Such statement shall specify all receipts and disbursements of escrow funds for the principal's account. Charges made by the independent escrowee for its services, and all disbursements by the independent escrowee to a broker or salesman in connection with an escrow transaction shall be clearly designated as such and shall be shown separately from disbursements of the independent escrowee. Payments outside of escrow, if shown in the statement, shall be set forth separately from payments by or to the independent escrowee.

SUBPART F: FAVORED COMPANY OR AGENT

Section 8100.1810 Favored Title Insurance Company or Title Agent

a) *Application of this Section is limited to residential properties of 4 or fewer units, at least one of which units is occupied or to be occupied by an owner, legal or beneficial.*

b) No producer of title business or associate of a producer shall require, directly or indirectly, or through any officer, agent or affiliate, as a condition or agreement to selling or furnishing any person or persons any loan, or extension thereof, credit, contract, lease or service, that such producer or associate of a producer shall place, any title insurance business through any particular title agent or title insurance company. No title agent or title insurance company shall knowingly participate in any such prohibited plan.

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 8100.2010 Request for Non-Binding Statements

a) Required information and format:

1) All requests for non-binding statements shall be in writing. The request shall be filed with the Department and shall contain the following:

A) a brief summary of the Sections of the Act and of the Rules to which the request pertains;

B) a detailed factual representation concerning every relevant aspect of the proposed transaction, event or circumstance. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;

C) a discussion of current statutes, rules and legal principles relevant to the facts set forth;

D) a statement by the person requesting the non-binding statement which states the person's own opinion in the matter and the basis for such opinion; and

E) a representation that the transaction in question has not been commenced or, if it has commenced, the present status of the transaction.

2) The Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act.

3) The Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.

4) The Department will not respond to requests based upon hypothetical facts or involving unnamed parties.

b) Review procedure under the Act:

1) The Department's review of requests for non-binding statements require an in-depth examination of the information presented and the applicable law. Therefore a considerable time period may elapse before the statement is issued.

2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Department shall decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement, stating that it will or will not recommend that enforcement action be initiated against the

parties involved if all the facts are true and complete. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the statement should not rely on the statement. Non-binding statements do not have precedent value.

c) Availability of non-binding statements issued by the Department:

1) The Department will maintain an index by statutory Section(s) involved and chronologically of all non-binding statements issued.

2) Copies of such statements can be reviewed in the Department's Springfield office and copies thereof obtained upon payment of the cost of duplication as set forth in the Act.

SUBPART H: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 8100.2100 Preamble

The Rules contained in this Subpart shall govern every hearing under the Title Insurance Act before the Department. The purpose of this Subpart is to assist all parties subject to the Act by providing a forum for the orderly determination of rights, duties and privileges of parties appearing before the Director or the Director's authorized representative under procedures assuring such parties due process of law without unnecessary postponements or extended delays.

Section 8100.2102 Qualifications and Duties of the Hearing Officer

a) The hearing officer shall meet the following standards and qualifications:

1) be of high integrity and of good personal repute;

2) be admitted to practice law in the State of Illinois and be a member in good standing of the Bar of Illinois for at least three (3) years; and

3) be familiar with the Rules and Regulations contained in this Part and the Act.

b) A hearing officer shall rule on procedure and the admissibility of evidence and shall make findings of fact, conclusions of law and recommendations.

c) The final decision in all hearings shall be made by the Director or the Director's authorized representative after consideration of the findings of fact, conclusions of law, and recommendations of the hearing officer.

Section 8100.2104 Notice of Hearing

a) Unless otherwise required, each respondent shall be given a Notice of Hearing at least forty-five (45) days prior to the first date set for any hearing hereunder. Once such notice is given it will thereafter be the responsibility of the respondent to become acquainted with subsequent hearing dates.

b) The Notice of Hearing shall include:

1) a statement of the time, place and nature of the hearing;

2) a statement of the legal authority, and jurisdiction under which the hearing is held;

3) a short and plain statement of the matters alleged;

4) a statement of financial sanction or relief sought; and

5) a concise statement to each respondent that:

A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;

B) failure by any respondent to appear shall constitute default by such respondent unless such respondent has filed an answer or, upon due notice, moved for and obtained a continuance; and

C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.

c) Nothing in this Part shall prevent the Department from scheduling a hearing within ten (10) days of the date on which the Director temporarily suspends any registration or license under the Act or issues a temporary order.

d) When a respondent timely requests a hearing on an Order under Section 21 of the Act issued by the Director, the Department shall issue a Notice of Hearing in the form prescribed herein.

e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent prior to argument on any other motion, or commencement of opening statements at the hearing.

f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, or by the personal service, to the last known address of the respondent.

Section 8100.2106 Institution of a Contested Case by the Department

A contested case is instituted by the Department when a Notice of Hearing is mailed to a respondent at the respondent's last known address by registered or certified mail, return receipt requested, or personal service is obtained upon a respondent.

Section 8100.2108 Requirement to File an Answer

a) In each contested case instituted by the Department, each respondent shall file with the Department an Answer within thirty (30) days of the service of the Notice

of Hearing or within ten (10) days of each amended Notice of Hearing which materially alters the Notice of Hearing or within ten (10) days of service of a Notice of Hearing issued pursuant to Section 8100.2104(c) of this Part. Each Answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the allegation.

b) Any Answer which states that the respondent has insufficient information to admit or deny any allegation shall be accompanied by an affidavit attesting to the truth of this assertion.

c) If, within thirty (30) days after service of such Notice of Hearing, the respondent does not answer or otherwise file a responsive pleading the respondent shall be held in default.

Section 8100.2110 Amendment or Withdrawal of the Notice of Hearing

a) The Notice of Hearing may be amended at any time to correct pleading or notice deficiencies. An Amended Notice of Hearing shall be filed in the same manner as a Notice of Hearing, or be presented to the hearing officer and each respondent during the course of the hearing. A continuance shall be granted by the hearing officer whenever the amendment materially alters the Notice of Hearing, and where a respondent demonstrates that any respondent wouldotherwise be unable to properly prepare an Answer to the Amended Notice of Hearing or prepare any respondent's case.

b) A Notice of Hearing may be withdrawn without prejudice by the Department at any time prior to the hearing. After a hearing has begun, a Notice of Hearing may be withdrawn only upon written notice to, and concurrence by the hearing officer.

Section 8100.2112 Representation

a) Any individual may appear personally on his or her own behalf.

b) A party may be represented by an attorney. The attorney shall be licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

1) the name, business address and telephone number of the attorney;

2) the name and address of the party represented; and

3) an affirmative statement indicating that the attorney is licensed in Illinois.

c) A corporation may be represented by an officer, upon presentation to the Department of a duly executed resolution of the Board of Directors, authorizing

the officer to act in a representative capacity and setting forth the powers which the officer is authorized to exercise.

d) A partnership may be represented by any general partner.

e) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective July 1, 1980. Any failure to behave in a manner which permits the efficient functioning of the hearing process shall authorize the hearing officer to take the following actions:

1) substitution of written argument in place of oral argument; or

2) exclusion of an attorney from the proceeding.

f) If any of the above actions are taken by the hearing officer, it shall be done as a matter of record, and the hearing officer shall state for the record the specific reasons therefor.

Section 8100.2114 Special Appearance

Prior to filing any other pleading or motion, a special appearance may be made either in person or by attorney for the limited purpose of objecting to the jurisdiction of the Department. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the hearing officer may consider all matters apparent from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issue of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the objector does not preclude him or her from making any motion or defense which he or she might otherwise have made. If the hearing officer sustains the objection, an appropriate order shall be entered of record after review by a designated representative of the Director. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter.

Section 8100.2116 Substitution of Parties

A hearing officer shall order a substitution of parties on his own motion or upon the motions of any party to assure a complete adjudication of the issues presented in a hearing.

Section 8100.2118 Failure to Appear

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence or otherwise participate at the hearing. After presentation by the Department of proof that the respondent was given proper notice, the hearing officer shall make a recommendation to the Director. Where the Department fails to appear, the Notice of Hearing will be dismissed.

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Section 8100.2120 Motions

a) Motions shall be made in writing, unless otherwise allowed by the hearing officer during the course of a hearing. Written motions shall be limited to the following:

1) to request dismissal of a Notice of Hearing for failure to state facts which, if true, would form a sufficient basis for the issuance of an Order or other sanctions;

2) to request sanctions in accordance with Section 8100.2112 of this Part;

3) to request sanctions in accordance with Section 8100.2130 of this Part;

4) to request dismissal of Notice of Hearing where the Department's case has been concluded without sufficient evidence having been presented to form a basis for the issuance of an Order or other sanction;

5) to request a continuance, or extension of time, upon good cause shown in accordance with Section 8100.2122 of this Part;

6) to request an order granting a rehearing, or additional hearings;

7) to request that a hearing officer deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Notice of Hearing;

8) to request that a hearing officer be disqualified from the hearing, for prejudice;

9) to request that an Order be vacated or modified;

10) to request separation of cases joined by the Department;

11) to request that any party be held in default;

12) to request consolidation of cases or parties; and

13) to request an Order limiting a response to a demand for bill of particulars or a request for discovery.

b) When any motion is filed, the hearing officer may allow oral argument if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request, which are not a part of the record in the case, an affidavit shall be attached to the motion setting forth such facts.

Section 8100.2122 Requirements Relating to Continuances

a) A request for continuance of a hearing shall be subject to the discretion of the hearing officer. Such continuance may be granted, for good cause shown,

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provided the request is received by the hearing officer and each party or authorized representative of record not less than five (5) days prior to the latest hearing date unless good cause for a continuance is shown prior to or during the hearing or between hearing dates due to the need for new evidence, sudden unavailability of counsel, sudden illness of a party or an essential witness, or similar reasons. Such request shall be in writing and shall set forth the grounds alleged therefor. Oral requests for continuances shall not be granted unless made during the hearing for good cause. "Good Cause" is shown when a petitioner or respondent demonstrates a real and compelling need for additional time. "A real and compelling need" includes, but is not limited to, service in the armed forces or serious illness, relating to either party, that party's authorized representative of record, or essential witnesses.

b) A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior scheduled hearing date at which time the hearing shall reconvene.

c) Continuances may be granted for the purposes of allowing the parties to complete discovery requests made pursuant to Section 8100.2130 of this Part, but only where upon "Good Cause" shown, in accordance with subsection (a) above, discovery could not be completed prior to the scheduled date of hearing.

Section 8100.2124 Rules of Evidence

a) The hearing officer shall have authority to conduct the hearing, to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence, and to subpoena witnesses or documents at the request of any party.

b) The technical rules of evidence shall not apply. Any relevant or material evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent men in the conduct of their affairs, regardless of the existence of any common law or statutory rule which excludes the admission of such evidence over objects in civil cases in the Circuit Courts of Illinois. The rules of privilege shall be followed to the same extent that they are recognized in civil or criminal cases in the Circuit Courts of Illinois. Irrelevant, immaterial and unduly repetitious evidence may be excluded. Objections to evidentiary offers must be timely made and noted in the record when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct the cross-examination required for a full and fair disclosure of the facts.

c) Official notice may be taken of matters of which the Circuit Courts of Illinois may take judicial notice. In addition, notice may be taken of the Department's specialized knowledge in the Act. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, and they shall be afforded an opportunity to contest the material so noticed.

Section 8100.2126 Form of Papers

All papers filed or submitted to the Department in a contested case shall be typewritten on 8 1/2 by 11 inch white paper. The first page of each document shall set forth the name of each of the respondents and the file number assigned to the case by the Department. All pleadings must be signed by the party filing the same or authorized representative or attorney, and shall contain the party's business address and telephone number. A copy of any pleading shall be filed with the hearing officer, and the original served upon the attorney of record of the Department.

Section 8100.2128 Bill of Particulars

a) Upon written demand made not more than fifteen (15) days after service of the Notice of Hearing and prior to the demanding party filing an answer to the Notice of Hearing, a party shall furnish to other parties a written bill of particulars.

b) A response to a demand for bill of particulars shall be provided to each other party within ten (10) days of service of the written request.

Section 8100.2130 Discovery

a) Discovery shall not be the subject of motions presented to the hearing officer, except as provided in Section 8100.2120 of this Part.

b) Upon written request served on the opposing party, any party shall be entitled to:

1) the name, business and home addresses and telephone number, if available, of each witness who may be called to testify;

2) copies of each document which may be offered as evidence; and

3) a description of any other evidence which may be offered.

c) The above information will be provided within ten (10) days of service of a written request.

d) Whether or not a request is made, during discovery a respondent shall be entitled to:

1) any exculpatory evidence in the Department's possession. Exculpatory evidence is any evidence which tends to support the respondent's position or to call into question the credibility of a Department witness; and

2) copies of any investigative report which purports to be a memorandum of interview of the respondent.

e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ten (10) days of service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.

f) No file of a Department examiner, investigator or attorney shall be subject to discovery except as stated in subsection (d) above relating to exculpatory evidence and memoranda of interviews of a respondent.

g) In accordance with Section 8100.2136 of this Part, in large or complex cases, at the discretion of the hearing officer, a pre-hearing conference with the parties and the hearing officer may be scheduled in appropriate cases. Consistent with the expedited nature of administrative hearings, the hearing officer may, at the pre-hearing conference, establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.

h) Subject to constitutional privileges and to grants of confidentiality under the Act and the Illinois Freedom of Information Act (Ill. Rev. Stat., ch. 116, par. 201 et seq.) a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to respond to a request within ten (10) days of service shall be deemed to be an admission thereof.

i) These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

j) The hearing officer, upon application of any party to a proceeding where there has been a failure to abide by the discovery provisions herein, is authorized to take the following actions:

1) limitation of evidence;

2) substitution of written argument in place of oral argument; and

3) exclusion of an attorney from the proceeding.

Section 8100.2132 Examination of Witnesses

a) A party shall conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination does not descend to sheer abuse or harassment of a witness and the examination or cross-examination can be shown to be necessary to a full and fair disclosure of facts bearing upon matters in issue.

b) If the hearing officer determines that a witness is hostile or unresponsive, the hearing officer shall authorize the examination by the party calling him or her as if under cross-examination.

c) The Department may call any adverse party as a witness without vouching for his or her credibility and proceed to examine such adverse party as if under

cross-examination. Any party calling a witness, upon a showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach that witness by evidence of prior inconsistent statements.

d) Oral evidence shall be taken only on oath or affirmation.

Section 8100.2134 Subpoenas

a) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of books, papers, accounts or documents at a hearing in a pending proceeding, shall be issued by the Department upon its own motion, and shall be issued upon application in writing by a party incorporating a showing that any such subpoena is reasonably required.

b) Applications for subpoenas to compel the production of books, papers, accounts or documents desired shall be verified, and shall specify the books, papers, accounts or documents desired and the material or relevant facts to be proved by them.

c) The costs for the preparation and service of each subpoena and the payment of witness fees shall be borne by the requesting party.

d) The cost to prepare each Department subpoena shall be $10.00 and shall be payable to the Department prior to the issuance of the subpoena. The cost to serve each subpoena shall be the same as provided to Sheriffs in Ill. Rev. Stat. ch. 53, par. 71. Notwithstanding, if the Department elects to mail a subpoena, the cost shall be $5.00 plus the actual cost of certified or registered mail, return receipt requested, payable to the Department of Financial Institutions prior to the issuance of the subpoena. Witness fees shall be the same as provided for in Ill. Rev. Stat. ch. 53, par. 65 relating to witnesses attending trial in the Circuit Courts of Illinois.

Section 8100.2136 Pre-Hearing Conferences

Upon written request to the hearing officer by the Department or any respondent, the parties may be directed by the hearing officer to appear at a specified date, time and place for a pre-hearing conference, prior to the date set for hearing in the particular proceeding or, without notice on the date and at the place set for such hearing and prior to the commencement thereof or during the course of such hearing and prior to the commencement thereof or during the course of such hearing, for the purpose of formulating issues and considering:

a) the simplification of issues;

b) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any Notice of Hearing;

c) the possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;

d) the limitation of the number of witnesses;

e) the propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and

f) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

Section 8100.2138 Record of a Pre-Hearing Conference

Action taken at each pre-hearing conference pursuant to Section 8100.2136 of this Part shall be recorded in an appropriate ruling by the hearing officer, unless the parties file a written stipulation as to such matters or agree to a statement thereof made on the record.

Section 8100.2140 Hearings

The sequence to be followed for each contested case is as follows:

a) Pre-Hearing Conference - Optional. The purposes are set out in Section 8100.2136 of this Part; and

b) Hearings

1) Preliminary matters - Motions, attempts to narrow issues or limit evidence;

2) Opening Statements - The party bearing the burden of proof proceeds first;

3) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. As a witness' testimony is completed, he or she is subject to cross-examination;

4) Defense (including affirmative defense) - Evidence and witnesses may be presented by the opposing parties;

5) Rebutal;

6) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final reply by the party bearing the burden of proof; and

7) Hearing Officer's Report.

Section 8100.2142 Record of Proceedings

a) At each hearing, except as otherwise provided herein, a permanent and complete record of the proceedings shall be taken at the Department's expense by electronic means or by a "shorthand reporter" as such term is defined in the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. ch. 111, par. 6204).

b) The Department upon request of a party shall arrange for the shorthand reporter to provide for such copies of the transcript as any other party may

require and at such time as it may require same, provided that such other party shall pay directly to the shorthand reporter the payment for the cost of the transcript including one copy thereof to be furnished the Department for its use in any proceeding for Administrative Review as hereinafter provided, or otherwise.

c) The requirement set forth in subsection (a) of this Section is not applicable in any case where all respondents have either defaulted, or submitted documents only, and the Department presents no evidence through witness testimony.

Section 8100.2144 Record of Hearing

a) The record in a contested case shall include:

1) all pleadings (which shall include all orders or notices of hearing and responses thereto, admissions, stipulations of facts, motions and rulings thereon and in the case of an agreed settlement, stipulation and consent and a consent order);

2) all documentary evidence, if any;

3) a statement of matters officially noticed, if any;

4) a transcript of the proceedings, if required;

5) any opinion, report or recommendation of the hearing officer to the Director;

6) the findings of fact, conclusions of law and recommendations of the hearing officer;

7) any objections or exceptions to the findings of fact, conclusions of law and recommendations of the hearing officer or portions of the findings of fact, conclusions of law and recommendations of the hearing officer; and

8) the findings of fact, conclusion of law and Order of the Director, shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110 pars. 3-101 et seq.).

b) The record shall be certified by the Department upon any complaint for administrative review. An index of the record, with each page of the record numbered in sequence, shall be prepared by the Department.

Section 8100.2146 Orders

a) The hearing officer shall prepare findings of fact, conclusions of law, and recommendations to the Director. The findings of fact and conclusions of law shall be stated separately.

b) Any Order of the Director issued without a hearing pursuant to a temporary order as provided under Section 21 of the Act shall advise the respondent that

any action for judicial review of the final order must be commenced within thirty-five (35) days from the date a copy of the Order is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).

c) The Order of the Director shall be the decision of the Department upon issues contested or stipulated to at the hearing, or presented at a hearing in which respondent defaults, or upon issues which are resolved without a hearing pursuant to Section 1010(c) of The Illinois Administrative Procedure Act (Ill. Rev. Stat., ch. 127, par. 1001 et seq.).

d) The Director after reviewing the hearing record shall:

1) accept or reject in whole or in part the findings of fact, conclusions of law or the recommendations of the hearing officer; or

2) require the submission of additional information or documentation; or

3) order the hearing officer to conduct a rehearing or an additional hearing.

e) Default orders shall be entered against the respondent, where the respondent fails to appear for the hearing at the scheduled time and date, and has failed to request or been granted a continuance in accordance with Section 8100.2122 of this Part.

f) A final Order of the Director shall be in writing. A copy of the final order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or representative or attorney at such person's last known address.

g) The final Order of the Director shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat. ch. 110, pars. 3-101 et seq.)

Section 8100.2148 Stipulations

Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the hearing officer may require proof of any fact by evidence where matters of public interest are involved. At any stage of the hearing, or after all parties have completed the presentation of their evidence, the hearing officer may call upon any party or the Department for further material or relevant evidence upon any issue.

Section 8100.2150 Open Hearings

a) Hearings shall be open to the public and may only be recorded by audio tape provided that such recording shall not disrupt, disturb or impede the hearing, as the hearing officer shall determine.

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b) All persons, including members of the media, shall be as quiet and as stationary as possible when the hearing is in progress.

Section 8100.2152 Corrections to the Transcript

Suggested corrections to the transcript of record may be offered within ten (10) days after the transcript is made available to the parties in the proceeding, unless the hearing officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon, or brought to the attention of, each party or attorney therefor whose appearance is of record the official shorthand reporter, and the hearing officer. If suggested corrections are not objected to, the hearing officer shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the hearing officer, who shall then determine the manner in which the record shall be changed, if at all.

Section 8100.2160 Disputes Between Parties Certified, Registered or Licensed by the Department

a) Where the Department receives a complaint from any certified, registered or licensed party (the "complainant") alleging conduct or practice by any other certified, registered or licensed party (the "respondent") which could result in any denial, suspension or revocation of any certificate of authority, registration or license issued or issuable pursuant to the Act ("adverse action"), the Director or the Director's authorized representative may where the facts are within the control of the complainant, or a Department investigation would substantially delay a resolution of the allegations, or no party is unduly prejudiced by this expedited procedure:

1) direct the complainant to prepare and submit to the Department an administrative complaint which sets forth the specific allegations which could result in adverse action;

2) direct the complainant and the respondent to appear and present evidence, if any, on the administrative complaint before a hearing officer at a time and place designated by the Department; and

3) subsequent to receipt of the findings of fact, conclusions of law and recommendation of the hearing officer enter an order as provided in Section 8100.2146 of this Part.

b) Where the Director or the Director's authorized representative proceeds as provided in subsection (a):

1) the complainant shall, except as otherwise provided for herein, conform to and be governed by the requirements applicable to the Department subsequent to the initiation of a contested case; and

2) the respondent shall, except as otherwise provided for herein, conform to and be governed by the requirements applicable to a respondent subsequent to the initiation of a contested case.

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c) Notwithstanding the requirements contained in subsection (b), the complainant and respondent may with the consent of the hearing officer and in the interests of justice enter into a stipulation establishing an expedited procedure for resolving the allegations contained in an administrative complaint.

d) Anytime it appears to the Director or the Director's authorized representative that a complaint made under subsection (a) is for the purpose of harassment, embarrasment or intimidation, the Director or the Director's representative shall terminate the proceeding and may initiate action against the complainant if authorized under the Act.

SUBPART I: CONSUMER PROTECTION

Section 8100.2400 Standards of Conduct

a) No title insurance company, title agent or independent escrowee shall pay, furnish, or agree to pay or furnish, either directly or indirectly, to or on behalf of any of the persons listed, any commission or any part of the fees or charges or any other thing of value as consideration for any past, present, or future title insurance business, any closing and settlement services or any other title business:

1) any producer of title business, escrow business, or any associate of a producer;

2) any obligee or prospective obligee of any obligation secured or to be secured either in whole or in part by real property or any interest therein; and

3) any person who is acting as or who is in the business of acting as agent, representative, attorney or employee of any of the persons described in (1) and (2) above.

b) As relates to transactions defined in Section 18.(a) of the Act as applied to the persons set forth in subsection (a) above and to the extent that there is any inducement or attempted inducement in the placement of title insurance business, closing and settlement services or any other title business, acts and practices which are unlawful include, but are not limited to:

1) the disbursement of funds prior to the actual delivery of funds acceptable to the closing and settlement services agent;

2) the disbursement of closing and settlement services funds before all necessary conditions of the transaction have been met;

3) paying for, furnishing or offering to pay for or furnish any reward, or compensation for any past, present or future title insurance business or closing and settlement services or any other title business;

4) paying or offering to pay, any fee to a producer of title business for making an inspection or appraisal of property;

5) any transaction in which any person receives, or is to receive, securities of the title insurance company, title insurance agent or independent escrowee at prices below the normal market price, or bonds or debentures which guarantee a higher than normal interest rate, whether or not the consummation of such transaction is directly or indirectly related to the number of closing and settlement services or title orders coming to the title insurance company, title insurance agent or independent escrowee through the efforts of such person;

6) furnishing to any producer of title business or associate of a producer reports containing publicly recorded information, appraisals, estimates of income production potential, information kits or similar packages containing information about one or more parcels of real property helpful to any producer of title business without making a charge that is commensurate with the actual cost of the work performed and the material furnished;

7) making or guaranteeing or offering to make or guarantee, either directly or indirectly, any loan to any producer of title business or associate of a producer, with terms more favorable than otherwise available to the producer;

8) guaranteeing, or offering to guarantee, the proper performance of closing and settlement services or undertakings which are to be performed by any producer of title business;

9) providing, or offering to provide, either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the placement or channeling of title insurance business by such lending institution; this provision does not prohibit the maintenance by a title insurance company, title agent or independent escrowee of demand deposits or escrow deposits which are reasonably necessary for use in the ordinary course of the business of the title insurance company, title agent or independent escrowee.

10) paying for, or offering to pay for, the fees or charges of an outside professional (e.g., an attorney, engineer, appraiser, or surveyor) whose services are required by any producer of title business to structure or complete a particular transaction;

11) providing, or offering to provide, non-title services (e.g., computerized bookkeeping, forms management, computer programming, or any similar benefit) without a charge which is commensurate with the actual cost to any producer of title business;

12) furnishing, or offering to furnish, all or any part of the time or productive effort of any employee of the title insurance company, title insurance agent, or independent escrowee (e.g., office manager, escrow officer, secretary, clerk, messenger, etc.) to any producer of the title business;

13) paying for, or offering to pay for, all or any part of the salary of an employee of any producer of title business;

14) paying for, or offering to pay for, the salary or any part of the salary of a relative of any producer of title business which payment is in excess of the reasonable value of work performed by such relative on behalf of the title insurance company, title insurance agent or independent escrowee;

15) paying for, or offering to pay for, services by any producer of title business which services are ordinarily to be performed by such producer of title business in his licensed capacity as a real estate or mortgage broker or salesman or agent (e.g., the drafting of documents that are required to be prepared by such producer of title business with the title insurance company for the initiation of closing and settlement services);

16) furnishing or offering to furnish, paying for or offering to pay for, furniture, office supplies, telephones, equipment or automobiles to any producer of title business, or paying for, or offering to pay for, any portion of the cost of renting, leasing, operating or maintaining any of the aforementioned items;

17) paying for, furnishing, or waiving, or offering to pay for, furnish, or waive, all or any part of the rent for space occupied by any producer of title business;

18) renting, or offering to rent, space from any producer of title business, regardless of the purpose, at a rent which is excessive when compared with rents for comparable space in the geographic area, or paying, or offering to pay, rent based in whole or in part on the volume of business generated by any producer of title business;

19) paying for, or offering to pay for, gifts, vacations, business trips, convention expenses, travel expenses, membership fees, registration fees, lodging or meals on behalf of a producer of title insurance, directly or indirectly, or supplying letters of credit, credit cards or any such benefits;

20) paying for, or offering to pay the cancellation fee for a title report or other fee on behalf of any producer of title business either before or after inducing such producer of title business to cancel an order with another title insurance company, title insurance agent or independent escrowee;

21) paying for or furnishing, or offering to pay for or furnish, any business form to any producer of title business other than a form regularly used in the conduct of the title insurance company's business which form is furnished for the convenience of the title insurance company and does not constitute a direct monetary benefit to any producer of title business;

22) giving of trading stamps, cash redemption coupons or similar items to any producer of title business;

c) As relates to transactions defined in Section 18.(a) of the Act and as applied to the persons set forth in subsection (a) above, acts and practices which are lawful include, but are not limited to:

1) publishing or printing and disseminating by a title insurance company, title insurance agent or independent escrowee any education information notwithstanding that such information may be of benefit to a producer of title business;

2) distributing by a title insurance company, title insurance agent or independent escrowee information, whether printed or oral, advertising novelties and gift items not to exceed Twenty-five dollars ($25.00) in value that bear the name of the giver (but not the name of the recipient) to producers of title business;

3) issuing by a title insurance company a letter in favor of any insured in any transaction which guarantees to the insured that the closing shall be conducted by itself or its registered title insurance agent, that the documents thereunder shall be recorded and distributed, and that the title insurance policy shall be issued in accordance with the terms of the insured's closing instruction letter.

4) providing by title insurance companies, title insurance agents or independent escrowees reasonable promotional and educational activities that are not conditioned on the referral of business and that do not involve the defraying of expenses that otherwise would be incurred by persons in a position to refer settlement services or business incident thereto, such as a reception by a title company, seminars on title matters to professionals, furnishing property descriptions and names of record owners without charge to lenders, real estate brokers, attorneys, or others, or distribution of calendars and other promotional material not to exceed Twenty-five dollars ($25.00) in value.

d) Nothing in this section shall be construed as prohibiting:

1) the payment of a fee;

A) to attorneys at law for services actually rendered, or

B) by a title company to its duly appointed agent for services actually performed in the issuance of a policy of title insurance, or

C) by a lender to its duly appointed agent for services actually performed in the making of a loan.

2) the payment to any person of a bona fide salary or compensation or other payment for goods or facilities actually furnished or for services actually performed.

3) returns on an ownership or franchise interest.

SUBPART J: PUBLIC INFORMATION

Section 8100.3000 Non-Public Distribution of Information

Information or documents obtained by employees of the Department in the course of any examination, audit, visit, registration, certification, review, licensing or investigation pursuant to the Act, shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making disclosure of such confidential information or production of documents or any other non-public records of the Department or other governmental agency, unless the Director or the Director's authorized representative authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

NOTICE OF PROPOSED AMENDMENTS

OFFICE OF THE STATE FIRE MARSHAL

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code Citation: 41 Ill. Adm. Code 170

3) Section Number: Proposed Action:

170.670 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 127 1/2, par. 154

5) A Complete Description of the Subjects and Issues Involved: The requirements for an underground storage tank (UST) to be considered "abandoned" are defined more precisely. The notice requirement to remove a UST was changed to 30 days to comply with federal regulations (40 CFR 280 and 281). A 3 working day oral notice is required to assist our office in coordinating UST removals.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? ___ Yes ___ X No
If "yes", please specify the date:

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

Section Numbers	Proposed Action	Illinois Register Citation

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Office of the State Fire Marshal will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should be addressed to:

John S. Moore
Director, Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703-4259

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Office of the Department of Commerce and Community Affairs: December 21, 1989

B) Types of small businesses affected: Any small business which has an underground storage tank.

C) Reporting, bookkeeping or other procedures required for compliance: N/A

D) Types of professional skills necessary for compliance: N/A

The full text of the proposed amendments begins on the next page.

NOTICE OF PROPOSED AMENDMENT

OFFICE OF THE STATE FIRE MARSHAL

TITLE 41 FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170
STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM AND OTHER REGULATED SUBSTANCES

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170.11 Incorporation of National Standards
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170.20 Storage Underground and Limited
170.30 Setting of Tanks (Repealed)
170.40 Clearance Required for Underground Tanks
170.41 Location
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OFFICE OF THE STATE FIRE MARSHAL

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TABLE B MANUAL TANK GAUGING: WEEKLY AND MONTHLY STANDARDS

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154)

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SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg 14992, effective September 11, 1989; amended at _____ Ill. Reg. _____, effective _____.

Section 170.670 Abandonment of Underground Storage Tanks

~~For the purposes of this Section, "abandonment" is defined as the relinquishing of the property to other uses or non-use for one year of non-use. However, if the owner of the property states that the property will be reused as a service station within a 12 month period, the facility will not be considered abandoned until the end of a 2 year period.~~

~~a) Permanent Abandonment (more than one year). Tanks abandoned for more than one year shall be removed from the site unless a waiver is granted pursuant to subsection (d) below. The process for such abandonment shall be:~~

~~1) Remove all flammable or combustible liquids from tank and from connecting lines.~~

~~2) Disconnect piping at all tank openings.~~

~~3) Remove all sections of connecting lines which are not be be used further, and cap or plug all tank openings.~~

~~4) Remove tank from ground and,~~

~~5) After removal, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises as required by NFPA 327 incorporated by reference in Section 170.410 or shall be transported to an area not accessible to the public and the gas freeing completed at that location.~~

~~b) Disposal of Tanks~~

~~1) If a tank is to be disposed of as junk, it shall be retested for flammable vapors, and if necessary, rendered gas free (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion). After junking and before releasing to junk dealer, a sufficient number of holes or openings (at least two percent of the total surface area of the tank) shall be made in it to render it inoperative for further use as an UST. NFPA 327, incorporated by reference in Section 170.410, provides information on safe procedures for such an operation.~~

NOTICE OF PROPOSED AMENDMENT

OFFICE OF THE STATE FIRE MARSHAL

~~2) Notice of removal of abandoned tanks shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical safety, in writing, at least one week prior to removal, giving the location of the underground tank, the size of the tank, and any other information which would help identify which tank has been removed if there is more than one tank underground at that location. If any emergency exists where life safety or ground water is threatened verbal approval shall be given to remove a tank; however, a notice in writing must be received by this Office within one week after removal. Examples of such an emergency may include, but are not limited to, volatile gas accumulation and leaking tanks.~~

~~c) Abandoned tanks filled with sand or pea gravel prior to October 1, 1985, need not be removed; however, the owner(s) must provide documentation of fill material and date of fill. The documentation may be a receipt or a written statement from the contractor who did the fill, or a statement from the inspector who inspected the tank. Such documentation is due upon request by the Office of the State Fire Marshal.~~

~~d) Waiver of the removal requirement for underground a tank shall be granted where it would be infeasible to remove the tank due to loss of adjacent or subjacent support of nearby structures; railroad tracks, streets as defined in Section 1 201 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1 201) or other tanks. The following criteria shall be met:~~

~~1) A complete drawing, or plan of the area must be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and building.~~

~~2) A statement of need shall be provided, which includes but is not limited to facility name and location, number and size of tanks involved, and an explanation of why the waiver is requested.~~

~~3) The tanks shall be filled with inert material (not concrete), such as sand, soil products (such as clay, gravel and bentonite) or other materials specifically approved by the Office. The procedure for filling shall be in accordance with Sections 3.1 through 3.5, and 4.1.1 of the American Petroleum STorage Tanks', incorporated by reference in Section 170.410 (API 1604) (1987). This incorporation by reference shall contain no later edition or amendments. This document is on file for public inspection at the Springfield and Chicago offices of the Office of the State Fire Marshal. Copies may be obtained from teh American~~

~~Petroleum Institute, 1220 L Street, Northwest, Washington, D.C., 20005.~~

~~4) Where a tank is allowed to be abandoned in place due to loss of support, as specified in this subsection, the tank shall be removed when the support is no longer needed this shall be when the object(s) needing support is no longer in need of support or has been removed.~~

~~5) When underground a tank is abandoned in place, the owner of the tank shall keep a permanent record of the tank location, the date of abandonment, and the method of conditioning the tank for abandonment and forward a copy of such record to the Office and.~~

~~6) Persons seeking a waiver shall provide all documentation required in this subsection to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety shall grant such a waiver.~~

~~(Source: Section 170.670 renumbered from Section 170.75 and amended at 13 Ill. Reg. 5669, effective April 21, 1989)~~

For the purposes of this Section, "abandonment" is defined as the relinquishing of an underground storage tank to non-use for 12 consecutive months. However, if during that one-year period, the owner of the underground storage tank submits in writing a statement to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety that the tank will be reused within the immediate subsequent 12-month period, the tank will not be considered abandoned until the end of the two-year period (commencing from the date of non-use) and will be considered "temporarily out of service", provided the required criteria in Section 170.620 are complied with.

a) Underground storage tanks abandoned one year, shall be removed from the site within the immediate subsequent year unless a waiver is granted pursuant to subsection (d) below. The process for removal of any UST shall be:

1) Notification;

A) Notice of removal of tanks shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, in writing, at least 30 days prior to the removal, giving the location of the tank, the size of the tank, and any other information which would help identify which tank is to be removed if there is more than one tank underground at that location, unless such action is in response to corrective action. The required assessment of the excavation zone under Section 170.640 must be performed after notifying the Office of the State Fire Marshal but before completion of the removal.

B) Notice of removal of tanks shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, by telephone, no more than five days and at least before 12:00 p.m. three working days, prior to the date of removal.

2) Remove all flammable or combustible liquids and all accumulated sludges from tank and from connecting lines;

3) Disconnect piping at all tank openings;

4) Remove all sections of connecting lines which are not to be used further, and cap or plug all tank openings;

5) Remove tank from ground; and

6) After removal, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises as required by NFPA 327, incorporated by reference in Section 170.410, or shall be transported, in compliance with Illinois Environmental Protection Agency laws and regulations, to an area not accessible to the public and the gas freeing completed at that location.

b) Disposal of Tanks.

If a tank is to be disposed of as junk, it shall be retested for flammable vapors, and if necessary, rendered gas free (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion). After removal and before releasing to junk dealer, a sufficient number of holes or openings (at least two percent of the total surface area of the tank) shall be made in it to render it inoperative for further use as an UST. NFPA 327, incorporated by reference in Section 170.410, provides information on safe procedures for such an operation.

c) Abandoned tanks filled with sand or pea gravel prior to October 1, 1985, need not be removed; however, the owner(s) shall provide documentation of fill material and date of fill. The documentation may be a receipt or a written statement from the contractor who did the fill, a statement from the inspector who inspected the tank, or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety. Such documentation is due upon request by the Office of the State Fire Marshal.

NOTICE OF PROPOSED AMENDMENT

OFFICE OF THE STATE FIRE MARSHAL

d) Waiver of the removal requirement for a tank, allowing it to be abandoned in place, shall be granted where it would be infeasible to remove the tank due to loss of adjacent or subjacent support of nearby structures, railroad tracks, streets as defined in Section 1-201 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-201) or other tanks. The following criteria shall be met:

1) A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings;

2) A statement of need shall be provided, which includes but is not limited to facility name and location, number and size of tanks involved, and an explanation of why the waiver is requested;

3) A certification shall be provided to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety that the subject tank is not currently leaking, nor has leaked in the past;

4) The tank shall be filled with inert material (not concrete), such as sand, soil products (such as clay, gravel and bentonite) or other materials specifically approved by the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety. The procedure for filling shall be in accordance with Sections 3.1 through 3.5, and 4.1.1 of API Recommended Practice 1604, incorporated by reference in Section 170.410;

5) Where a tank is allowed to be abandoned in place due to loss of support, as specified in this subsection, the tank shall be removed when the support is no longer needed -- this shall be when the object(s) needing support is no longer in need of support or has been removed;

6) When a tank is abandoned in place, the owner of the tank shall keep a permanent record of the tank location, the date of abandonment and the method of conditioning the tank for abandonment, and forward a copy of such record to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety; and

7) Persons seeking a waiver shall provide all documentation required in this subsection to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety. Only the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety shall grant such a waiver.

(Source: Amended at ___ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Numbers: Proposed Action:

720.111, 720.122 Amendments

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of December 6, 1989, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendments to 35 Ill. Adm. Code 720 update incorporations by reference to USEPA rules.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference?

Yes. This Part incorporates federal regulations by reference.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, treatment, storage or disposal of hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-9 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 12, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. , effective .

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-

5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II

(April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B ~~-(1988)-~~(1989)

40 CFR 136 ~~-(1988)-~~(1989)

40 CFR 142 ~~-(1988)-~~(1989)

40 CFR 220 ~~-(1988)-~~(1989)

40 CFR 260.20 ~~-(1988)-~~(1989)

40 CFR 264 ~~-(1988)-~~(1989)

40 CFR 302.4, 302.5 and 302.6 ~~-(1988)-~~(1989)

40 CFR 761 ~~-(1988)-~~(1989)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.122 Waste Delisting

a) General delistings or delisting of specific wastes from specific sources which have been adopted by USEPA may be proposed as state regulations which are identical in substance pursuant to Section 720.120(a).

b) Delistings which have not been adopted by USEPA may be proposed to the Board pursuant to Section 720.120(b); however, this does not

infer that the Board has authority to adopt such delistings. The Board will determine whether it has authority to delist such wastes on a case-by-case basis.

c) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but shall not be conclusive with reference to other persons or the Board.

d) The Board incorporates by reference 40 CFR 260.22 (1988), as amended at 54 Fed. Reg. 27116, June 27, 1989. This Section incorporates no future amendments or editions. Any petition to delist directed to the Board or request for determination directed to the Agency shall include the information required by 40 CFR 260.22 ~~-(1985)~~ -and a showing that the delisting needs to be adopted as a part of the Illinois RCRA program.

e) Waste delistings will not be approved if the result would make the Illinois program less than substantially equivalent to the federal.

f) Delistings will apply only within Illinois. Generators ~~-must-~~shall comply with 35 Ill. Adm. Code 722 for waste which is hazardous in any state to which it is to be transported.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3) Section Numbers: Proposed Action:

728.134	New Section
728.142, 728.143, Table A, Table B	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of December 6, 1989, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendments to 35 Ill. Adm. Code 728 mainly concern the "second third" wastes under the HSWA amendments to the federal RCRA Act. There are also amendments to the "first third" land disposal restrictions.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, treatment, storage or disposal of hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-9 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 12, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101 Purpose, Scope and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for case-by-case Extensions to an Effective Date
728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.107 Waste Analysis
728.108 Landfill and Surface Impoundment Disposal Restrictions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.130 Waste Specific Prohibitions -- Solvent Wastes
728.131 Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132 Waste Specific Prohibitions -- California List Wastes
728.133 Waste Specific Prohibitions -- First Third Wastes
728.134 Waste Specific Prohibitions -- Second Third Wastes
728.139 Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards expressed as Concentrations in Waste Extract
728.142 Treatment Standards expressed as Specified Technologies
728.143 Treatment Standards expressed as Waste Concentrations
728.144 Adjustment of Treatment Standard

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

Table A Constituent Concentrations in Waste Extract (CCWE)
Table B Constituent Concentrations in Waste (CCW)
Appendix A Toxicity Characteristic Leaching Procedure (TCLP)
Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)
Appendix C List of Halogenated Organic Compounds

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. , effective .

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.134 Waste Specific Prohibitions -- Second Third Wastes

a) The following wastes are prohibited from land disposal.

1) The wastes specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste numbers:

F010
F024

2) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers:

K005
K007
K009 (nonwastewaters)
K010
K023
K027
K028
K029 (nonwastewaters)
K036 (wastewaters)
K038
K039
K040
K043
K093
K094
K095 (nonwastewaters)
K096 (nonwastewaters)
K113
K114
K115
K116

3) The wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers:

P013
P021
P029
P030
P039
P040
P041
P043
P044
P062
P063
P071
P074
P085
P089
P094
P097
P098
P099
P104
P106
P109
P111
P121
U028
U058
U069
U087
U088
U102
U107
U221
U223
U235

b) The following wastes are prohibited from land disposal, except when they are injected into a UIC well pursuant to 35 Ill. Adm. Code 738.114(f) or 738.115(d) USEPA hazardous waste numbers:

K009 (wastewaters)
K011 (nonwastewaters)
K013 (nonwastewaters)
K014 (nonwastewaters)

c) The following wastes are prohibited from land disposal: The wastes specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste numbers:

F006 -- cyanide (nonwastewater)
F008
F009
F011 (wastewaters)
F012 (wastewaters)

1) The following waste is prohibited from land disposal except when it is injected into a UIC well pursuant to 35 Ill. Adm. Code 738.114(f): The waste specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste number F007.

2) The following wastes are prohibited from land disposal pursuant to the treatment standards specified in Sections 728.141 or 728.143 applicable to those wastes:

F011 (nonwastewaters)
F012 (nonwastewaters)

d) Effective June 8, 1991, the following wastes are prohibited from land disposal: The wastes specified in this Section having a treatment standard in Subpart D based on incineration, and which are contaminated contaminated soil and debris.

e) Until June 8, 1991, wastes included in subsections (c) and (d) may be disposed in a landfill or surface impoundment, regardless whether such unit is a new, replacement or lateral expansion unit, only if such unit is in compliance with the technical requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.

f) The requirements of subsections (a), (b), (c) and (d) do not apply if:

1) The wastes meet the applicable standards specified in Subpart D; or

2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition.

g) The requirements of subsections (a), (b) and (c) do not apply if persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

h) Until May 8, 1990, the second third wastes specified in 40 CFR 268.11 (1989) for which treatment standards under Subpart D are not applicable, including California list wastes subject to the statutory

prohibitions of Section 728.139 or codified prohibitions under Section 728.132, are prohibited from disposal in a landfill or surface impoundment unless the wastes are subject to a valid demonstration and certification pursuant to Section 728.108.

i) To determine whether a hazardous waste exceeds the applicable treatment standards specified in Section 728.141 or 728.143, the initial generator shall test a representative sample of the waste extract, or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal and all the requirements of this Part are applicable, except as otherwise specified.

(Source: Added at 14 Ill. Reg. , effective)

SUBPART D: TREATMENT STANDARDS

Section 728.142 Treatment Standards expressed as Specified Technologies

a) The following wastes must be treated using the identified technology or technologies, or an equivalent method approved under subsection (b).

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O, or in boilers or industrial furnaces, as defined in 35 Ill. Adm. Code 720, burning in accordance with ~~applicable regulatory standards~~ 35 Ill. Adm. Code 726. These treatment standards do not apply where the waste is subject to a Subpart C treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent

for which a treatment standard is established under Section 728.141(a)).

3) The nonwastewater form of the following hazardous wastes must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 264.Subpart O, or 35 Ill. Adm. Code 725.Subpart O, or burned in boilers or industrial furnaces, as defined in 35 Ill. Adm. Code 720, in accordance with 35 Ill. Adm. Code 726:

K027
K039
K113
K114
K115
K116
P040
P041
P043
P044
P062
P085
P109
P111
U058
U087
U221
U223

4) The wastewater form of the following hazardous wastes must be treated by carbon adsorption, or incineration, or pretreatment followed by carbon adsorption:

K027
K039
K113
K114
K115
K116
P040
P041
P043
P044
P062
P085
P109
P111
U058
U087

U221
U223

b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsection (a). The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111 1/2, pars. 1022.6 and 1039(h)), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsection (a). Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such certification is issued shall comply with all limitations contained in such determination.

(Source: Amended at 14 Ill. Reg. , effective)

Section 728.143 Treatment Standards expressed as Waste Concentrations

a) Table B identifies the restricted wastes and concentrations of their associated hazardous constituents which must not be exceeded by the waste or treatment residual (not an extract of such waste or treatment residual) for the allowable land disposal of such waste or residual. The wastewater and nonwastewater treatment standards in Table B are based on analysis of grab samples except the wastewater treatment standards that are based on analysis of composite samples for wastes, K009, K010, K036, K038, K040, P039, P071, P089, P094, P097 and U235.

b) When wastes with different treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

(Source: Amended at 14 Ill. Reg. , effective)

Table A Constituent Concentrations in Waste Extract (CCWE)

F001 -- F005 Spent Solvents	Concentration (in mg/L) Wastewaters containing spent solvents	All other spent solvent wastes
Acetone	0.05	0.59
n-Butyl alcohol	5.0	5.0
Carbon disulfide	1.05	4.81
Carbon tetrachloride	0.05	0.96
Chlorobenzene	0.15	0.05
Cresols (and cresylic acid)	2.82	0.75
Cyclohexanone	0.125	0.75
1,2-Dichlorobenzene	0.65	0.125
Ethyl acetate	0.05	0.75
Ethylbenzene	0.05	0.053
Ethyl ether	0.05	0.75
Isobutanol	5.0	5.0
Methanol	0.25	0.75
Methylene chloride	0.20	0.96
Methyl ethyl ketone	0.05	0.75
Methyl isobutyl ketone	0.05	0.33
Nitrobenzene	0.66	0.125
Pyridine	1.12	0.33
Tetrachloroethylene	0.079	0.05
Toluene	1.12	0.33
1,1,1-Trichloroethane	1.05	0.41
1,1,2-Trichloro-1,2,2-trifluoroethane	1.05	0.96
Trichloroethylene	0.062	0.091
Trichlorofluoromethane	0.05	0.96
Xylene	0.05	0.15

F006 nonwastewaters (see also Table B)	Concentration (in mg/L)
Cadmium	0.066
Chromium (Total)	5.2
Lead	0.51
Nickel	0.32
Silver	0.072
~~Cyanides (Total)~~	~~Reserved~~

F007, F008 and F009 Nonwastewaters See also Table B	Concentration (in mg/L)
Cadmium	0.066
Chromium (total)	5.2
Lead	0.51
Nickel	0.32
Silver	0.072

F011 and F012 Nonwastewaters See also Table B	Concentration (in mg/L)
Cadmium	0.066
Chromium (total)	5.2
Lead	0.51
Nickel	0.32
Silver	0.072

F024 Nonwastewaters See also Table B	Concentration (in mg/L)
Chromium (total)	Reserved
Nickel	Reserved

F028 Nonwastewaters See also Table B	Concentration (in mg/L)
Chromium (total)	Reserved
Nickel	Reserved

F020 -- F023 and F026 -- F028 Dioxin Containing Wastes	Concentration (Maximum)
HxCDD -- All Hexachlorodibenzo-p-dioxins	1 ppb
HxCDF -- All Hexachlorodibenzofurans	1 ppb
PeCDD -- All Pentachlorodibenzo-p-dioxins	1 ppb
PeCDF -- All Pentachlorodibenzofurans	1 ppb
TCDD -- All Tetrachlorodibenzo-p-dioxins	1 ppb
TCDF -- All Tetrachlorodibenzofurans	1 ppb

2,4,5-Trichlorophenol	0.05 ppm
2,4,6-Trichlorophenol	0.05 ppm
2,3,4,6-Tetrachlorophenol	0.10 ppm
Pentachlorophenol	0.01 ppm

K001 nonwastewaters (see also Table B)	Concentration (in mg/L)
Lead	0.51

K022 nonwastewaters (see also Table B)	Concentration (in mg/L)
Chromium (Total)	5.2
Nickel	0.32

K046 nonwastewaters (Nonreactive Subcategory)	Concentration (in mg/L)
Lead	0.18

K048, K049, K050, K051 and K052 nonwastewaters (see also Table B)	Concentration (in mg/L)
Arsenic	0.004
Chromium (Total)	1.7
Nickel	0.048
Selenium	0.025

K061 nonwastewaters (Low Zinc Subcategory-less than 15% total zinc)	Concentration (in mg/L)
Cadmium	0.14
Chromium (Total)	5.2
Lead	0.24
Nickel	0.32

K061 nonwastewaters (High Zinc Subcategory-15% or greater total zinc) effective until 8/8/90	Concentration (in mg/L)
Cadmium	0.14
Chromium (Total)	5.2
Lead	0.24
Nickel	0.32

K062 nonwastewaters	Concentration (in mg/L)
Chromium (Total)	0.094
Lead	0.37

K071 nonwastewaters	Concentration (in mg/L)
Mercury	0.025

K086 nonwastewaters (Solvent Washes Subcategory) (see also Table B)	Concentration (in mg/L)
Chromium (Total)	0.094
Lead	0.37

K087 nonwastewaters (see also Table B)	Concentration (in mg/L)
Lead	0.51

K101 and K102 nonwastewaters (Low Arsenic Subcategory-less than 1% Total Arsenic) (see also Table B)	Concentration (in mg/L)
Cadmium	0.066
Chromium (Total)	5.2
Lead	0.51
Nickel	0.32

K115 Nonwastewaters see also Table B	Concentration (in mg/L)
Nickel	0.32

P074 Nonwastewaters See also Table B	Concentration (in mg/L)
Nickel	0.32

P099 Nonwastewaters See also Table B	Concentration (in mg/L)
Silver	0.072

P104 Nonwastewaters See also Table B	Concentration (in mg/L)
Silver	0.072

(Source: Amended at 14 Ill. Reg. , effective)

Section 728.Table B Constituent Concentrations in Waste (CCW)

F001, F002, F003, F004 and F005 wastewaters (Pharmaceutical Industry)	Concentration (in mg/L)
Methylene chloride	0.44

F006 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Cyanides (Total)	~~Reserved~~ 590.
Cyanides (Amenable)	30.

F007, F008 and F009 Nonwastewaters See also Table A	Concentration (in mg/kg)
Cyanides (Total)	590.
Cyanides (Amenable)	30.

F007, F008 and F009 Wastewaters See also Table A	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10
Chromium (Total)	0.32
Lead	0.04
Nickel	0.44

F010 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	1.5

F010 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

F011 and F012 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

F011 and F012 Wastewaters See also Table A	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

Chromium (Total)	0.32
Lead	0.04
Nickel	0.44

F024 Nonwastewaters See also Table A	Concentration (in mg/kg)
2-Chloro-1,3-butadiene	0.28
3-Chloropropene	0.28
1,1-Dichloroethane	0.014
1,2-Dichloroethane	0.014
1,2-Dichloropropane	0.014
cis-1,3-Dichloropropene	0.014
trans-1,3-Dichloropropene	0.014
Diethylhexyl phthalate	1.8
Hexachloroethane	1.8
Hexachlorodibenzofurans	0.001
Hexachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

F024 Wastewaters See also Table A	Concentration (in mg/L)
2-Chloro-1,3-butadiene	0.28
3-Chloropropene	0.28
1,1-Dichloroethane	0.014
1,2-Dichloroethane	0.014
1,2-Dichloropropane	0.014
cis-1,3-Dichloropropene	0.014
trans-1,3-Dichloropropene	0.014
Diethylhexyl phthalate	0.036
Hexachloroethane	0.036
Hexachlorodibenzofurans	0.001
Hexachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001
Chromium (Total)	0.35
Nickel	0.47

K001 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Naphthalene	8.0
Pentachlorophenol	37.
Phenanthrene	8.0
Pyrene	7.3
Toluene	0.14
Xylenes	0.16

K001 wastewaters	Concentration (in mg/L)
Naphthalene	0.15
Pentachlorophenol	0.88
Phenanthrene	0.15
Pyrene	0.14
Toluene	0.14
Xylenes	0.16
Lead	0.037

K009 and K010 Nonwastewaters	Concentration (in mg/kg)
Chloroform	6.0

K009 and K010 Wastewaters	Concentration (in mg/L)
Chloroform	0.10

K011, K013 and K014 Nonwastewaters	Concentration (in mg/kg)
Acetonitrile	1.8
Acrylonitrile	1.4
Acrylamide	23.
Benzene	0.03
Cyanides (Total)	57.

K015 wastewaters	Concentration (in mg/L)
Anthracene	1.0
Benzal chloride	0.28
Benzo (b or k) fluoranthene	0.29
Phenanthrene	0.27
Toluene	0.15
Chromium (Total)	0.32
Nickel	0.44

K016 nonwastewaters	Concentration (in mg/kg)
Hexachlorobenzene	28.
Hexachlorobutadiene	5.6
Hexachlorocyclopentadiene	5.6
Hexachloroethane	28.
Tetrachloroethene	6.0

K016 wastewaters	Concentration (in mg/L)
Hexachlorobenzene	0.033
Hexachlorobutadiene	0.007
Hexachlorocyclopentadiene	0.007
Hexachloroethane	0.033
Tetrachloroethene	0.007

K018 nonwastewaters	Concentration (in mg/kg)
Chloroethane	6.0
1,1-Dichloroethane	6.0
1,2-Dichloroethane	6.0
Hexachlorobenzene	28.
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Pentachloroethane	5.6
1,1,1-Trichloroethane	6.0

K018 wastewaters	Concentration (in mg/L)
Chloroethane	0.007
Chloromethane	0.007
1,1-Dichloroethane	0.007
1,2-Dichloroethane	0.007
Hexachlorobenzene	0.033
Hexachlorobutadiene	0.007
Pentachloroethane	0.007
1,1,1-Trichloroethane	0.007

K019 nonwastewaters	Concentration (in mg/kg)
Bis(2-chloroethyl)ether	5.6
Chlorobenzene	6.0
Chloroform	6.0
1,2-Dichloroethane	6.0
Hexachloroethane	28.
Naphthalene	5.6
Phenanthrene	5.6
Tetrachloroethene	6.0
1,2,4-Trichlorobenzene	19.
1,1,1-Trichloroethane	6.0

K019 wastewaters	Concentration (in mg/L)
Bis(2-chloroethyl)ether	0.007
Chlorobenzene	0.006
Chloroform	0.007
p-Dichlorobenzene	0.008
1,2-Dichloroethane	0.007
Fluorene	0.007
Hexachloroethane	0.033
Naphthalene	0.007
Phenanthrene	0.007
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023
1,1,1-Trichloroethane	0.007

K020 nonwastewaters	Concentration (in mg/kg)
1,2-Dichloroethane	6.0
1,1,2,2-Tetrachloroethane	5.6
Tetrachloroethene	6.0

K020 wastewaters	Concentration (in mg/L)
1,2-Dichloroethane	0.007
1,1,2,2-Tetrachloroethane	0.007
Tetrachloroethene	0.007

K022 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Acetophenone	19.
Sum of Diphenylamine and Diphenylnitrosamine	13.
Phenol	12.
Toluene	0.034

K023, K093 and K094 Nonwastewaters	Concentration (in mg/kg)
Phthalic anhydride (measured as Phthalic acid)	28.

K023, K093 and K094 Wastewaters	Concentration (in mg/L)
Phthalic anhydride (measured as Phthalic acid)	0.54

K024 nonwastewaters	Concentration (in mg/kg)
~~Phthalic acid~~	
Phthalic anhydride (measured as Phthalic acid)	28.

K024 wastewaters	Concentration (in mg/L)
~~Phthalic acid~~ - Phthalic anhydride (measured as Phthalic acid)	0.54

K026 Nonwastewaters See also Table A	Concentration (in mg/kg)
1,1-Dichloroethane	6.0
trans-1,2-Dichloroethene	6.0
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Pentachloroethane	5.6
1,1,1,2-Tetrachloroethane	5.6
1,1,2,2-Tetrachloroethane	5.6
1,1,1-Trichloroethane	6.0
1,1,2-Trichloroethane	6.0
Tetrachloroethylene	6.0

K028 Wastewaters	Concentration (in mg/L)
1,1-Dichloroethane	0.007
trans-1,2-Dichloroethene	0.033
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
Pentachloroethane	0.033
1,1,1,2-Tetrachloroethane	0.007
1,1,2,2-Tetrachloroethane	0.007
Tetrachloroethylene	0.007
1,1,1-Trichloroethane	0.007
1,1,2-Trichloroethane	0.007
Cadmium	6.4
Chromium (Total)	0.35
Lead	0.037
Nickel	0.47

K029 Nonwastewaters	Concentration (in mg/kg)
Chloroform	6.0
1,2-Dichloroethane	6.0
1,1-Dichloroethylene	6.0
1,1,1-Trichloroethane	6.0
Vinyl chloride	6.0

K030 nonwastewaters	Concentration (in mg/kg)
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Hexachloropropene	19.
Pentachlorobenzene	28.
Pentachloroethane	5.6
1,2,4,5-Tetrachlorobenzene	14.
Tetrachloroethene	6.0
1,2,4-Trichlorobenzene	19.

K030 wastewaters	Concentration (in mg/L)
o-Dichlorobenzene	0.008
p-Dichlorobenzene	0.008
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
Pentachloroethane	0.007
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023

K036 Wastewaters	Concentration (in mg/L)
Disulfoton	0.025

K037 nonwastewaters	Concentration (in mg/kg)
Disulfoton	0.1
Toluene	28.

K037 wastewaters	Concentration (in mg/L)
Disulfoton	0.003
Toluene	0.028

K038 and K040 Nonwastewaters	Concentration (in mg/kg)
Phorate	0.1

K038 and K040 Wastewaters	Concentration (in mg/L)
Phorate	0.025

K043 Nonwastewaters	Concentration (in mg/kg)
2,4-Dichlorophenol	0.38
2,6-Dichlorophenol	0.34
2,4,5-Trichlorophenol	8.2
2,4,6-Trichlorophenol	7.6
Tetrachlorophenols (Total)	0.68
Pentachlorophenol	1.9
Tetrachloroethene	1.7
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K043 Wastewaters	Concentration (in mg/L)
2,4-Dichlorophenol	0.049
2,6-Dichlorophenol	0.013
2,4,5-Trichlorophenol	0.016
2,4,6-Trichlorophenol	0.039
Tetrachlorophenols (Total)	0.018
Pentachlorophenol	0.22
Tetrachloroethene	0.006
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K048 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Benzene	9.5
Benzo(a)pyrene	0.84
~~Bis(2-ethylhexyl)~~-Diethylhexyl phthalate	37.
Chrysene	2.2
Di-n-butyl phthalate	4.2
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K048 wastewaters	Concentration (in mg/L)
Benzene	0.011
Benzo(a)pyrene	0.047
~~Bis(2-ethylhexyl)~~-Diethylhexyl phthalate	0.043
Chrysene	0.043
Di-n-butyl phthalate	0.060
Ethylbenzene	0.011
Fluorene	0.050
Naphthalene	0.033

Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.37

K049 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Anthracene	6.2
Benzene	9.5
Benzo(a)pyrene	0.84
~~-Bis(2-ethylhexyl)-~~Diethylhexyl phthalate	37.
Chrysene	2.2
Ethylbenzene	67.
Naphthalene	(Reserved)
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K049 wastewaters	Concentration (in mg/L)
Anthracene	0.039
Benzene	0.011
Benzo(a)pyrene	0.047
~~-Bis(2-ethylhexyl)-~~Diethylhexyl phthalate	0.043
Carbon disulfide	0.011
Chrysene	0.043
2,4-Dimethylphenol	0.033
Ethylbenzene	0.011
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

K050 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Benzo(a)pyrene	0.84
Phenol	2.7
Cyanides (Total)	1.8

K050 wastewaters	Concentration (in mg/L)
Benzo(a)pyrene	0.047
Phenol	0.047
Chromium (Total)	0.20
Lead	0.037

K051 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Anthracene	6.2
Benzene	9.5
Benzo(a)anthracene	1.4
Benzo(a)pyrene	0.84
~~-Bis(2-ethylhexyl)-~~Diethylhexyl phthalate	37.
Chrysene	2.2
Di-n-butyl phthalate	4.2
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K051 wastewaters	Concentration (in mg/L)
Acenaphthene	0.050
Anthracene	0.039
Benzene	0.011
Benzo(a)anthracene	0.043
Benzo(a)pyrene	0.047
~~-Bis(2-ethylhexyl)-~~Diethylhexyl phthalate	0.043
Chrysene	0.043
Di-n-butyl phthalate	0.060

Ethylbenzene	0.011
Fluorene	0.050
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

K052 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Benzene	9.5
Benzo(a)pyrene	0.84
o-Cresol	2.2
p-Cresol	0.90
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

K052 wastewaters	Concentration (in mg/L)
Benzene	0.011
Benzo(a)pyrene	0.047
o-Cresol	0.011
p-Cresol	0.011
2,4-Dimethylphenol	0.033
Ethylbenzene	0.011
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

K062 wastewaters	Concentration (in mg/L)
Chromium (Total)	0.32
Lead	0.04
Nickel	0.44

K071 wastewaters	Concentration (in mg/L)
Mercury	0.030

K086 nonwastewaters-Solvent Washes Subcategory (see also Table A)	Concentration (in mg/kg)
Acetone	0.37
~~-bis(2-ethylhexyl)~~-Diethylhexyl phthalate	0.49
n-Butyl alcohol	0.37
Cyclohexanone	0.49
1,2-Dichlorobenzene	0.49
Ethyl acetate	0.37
Ethyl benzene	0.031
Methanol	0.37
Methylene chloride	0.037
Methyl ethyl ketone	0.37
Methyl isobutyl ketone	0.37
Naphthalene	0.49
Nitrobenzene	0.49
Toluene	0.031
1,1,1,-Trichloroethane	0.044
Trichloroethylene	0.031
Xylenes	0.015

K086 wastewaters-Solvent Washes Subcategory	Concentration (in mg/L)
Acetone	0.015
~~-bis(2-ethylhexyl)~~-Diethylhexyl phthalate	0.044
n-Butyl alcohol	0.031
Cyclohexanone	0.022
1,2-Dichlorobenzene	0.044
Ethyl acetate	0.031
Ethyl benzene	0.015
Methanol	0.031
Methylene chloride	0.031

Methyl ethyl ketone	0.031
Methyl isobutyl ketone	0.031
Naphthalene	0.044
Nitrobenzene	0.044
Toluene	0.029
1,1,1,-Trichloroethane	0.031
Trichloroethylene	0.029
Xylenes	0.015
Chromium (Total)	0.32
Lead	0.037

K087 nonwastewaters (see also Table A)	Concentration (in mg/kg)
Acenaphthalene	3.4
Benzene	0.071
Chrysene	3.4
Fluoranthene	3.4
Indeno(1,2,3-cd)pyrene	3.4
Naphthalene	3.4
Phenanthrene	3.4
Toluene	0.65
Xylenes	0.070

K087 wastewaters	Concentration (in mg/L)
Acenaphthalene	0.028
Benzene	0.014
Chrysene	0.028
Fluoranthene	0.028
Indeno (1,2,3-cd) pyrene	0.028
Naphthalene	0.028
Phenanthrene	0.028
Toluene	0.008
Xylenes	0.014
Lead	0.037

K095 Nonwastewaters	Concentration (in mg/kg)
1,1,1,2-Tetrachloroethane	5.6
1,1,2,2-Tetrachloroethane	5.6
Tetrachloroethene	6.0

1,1,2-Trichloroethane	6.0
Trichloroethylene	5.6
Hexachloroethane	28.
Pentachloroethane	5.6

K096 Nonwastewaters	Concentration (in mg/kg)
1,3-Dichlorobenzene	5.6
Pentachloroethane	5.6
1,1,1,2-Tetrachloroethane	5.6
1,1,2,2-Tetrachloroethane	5.6
Tetrachloroethylene	6.0
1,2,4-Trichlorobenzene	19.
Trichloroethylene	5.6
1,1,2-Trichloroethane	6.0

K099 nonwastewaters	Concentration (in mg/kg)
2,4-Dichlorophenoxyacetic acid	1.0
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K099 wastewaters	Concentration (in mg/L)
2,4-Dichlorophenoxyacetic acid	1.0
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K101 nonwastewaters (Low Arsenic Subcategory- less than 1% total arsenic) (see also Table A)	Concentration (in mg/kg)
ortho-Nitroaniline	14.

K101 wastewaters	Concentration (in mg/L)
ortho-Nitroaniline	0.27
Arsenic	2.0
Cadmium	0.24
Lead	0.11
Mercury	0.027

K102 nonwastewaters (Low Arsenic Subcategory- less than 1% total arsenic) (see also Table A)	Concentration (in mg/kg)
ortho-Nitrophenol	13.

K102 wastewaters	Concentration (in mg/L)
ortho-Nitrophenol	0.028
Arsenic	2.0
Cadmium	0.24
Lead	0.11
Mercury	0.027

K103 nonwastewaters	Concentration (in mg/kg)
Aniline	5.6
Benzene	6.0
2,4-Dinitrophenol	5.6
Nitrobenzene	5.6
Phenol	5.6

K103 wastewaters	Concentration (in mg/L)
Aniline	4.5
Benzene	0.15
2,4-Dinitrophenol	0.61

Nitrobenzene	0.073
Phenol	1.4

K104 nonwastewaters	Concentration (in mg/kg)
Aniline	5.6
Benzene	6.0
2,4-Dinitrophenol	5.6
Nitrobenzene	5.6
Phenol	5.6
Cyanides (Total)	1.8

K104 wastewaters	Concentration (in mg/L)
Aniline	4.5
Benzene	0.15
2,4-Dinitrophenol	0.61
Nitrobenzene	0.073
Phenol	1.4
Cyanides (Total)	2.7

K115 Wastewaters See also Table A	Concentration (in mg/L)
Nickel	0.47

P013 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P013 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P021 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P021 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P029 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P029 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P030 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P030 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P039 Nonwastewaters	Concentration (in mg/kg)
Disulfoton	0.1

P039 Wastewaters	Concentration (in mg/L)
Disulfoton	0.025

P063 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P063 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P071 Nonwastewaters	Concentration (in mg/kg)
Methyl parathion	0.1

P071 Wastewaters	Concentration (in mg/L)
Methyl parathion	0.025

P074 Nonwastewaters See also Table A	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P074 Wastewaters See also Table A	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10
Nickel	0.44

P089 Nonwastewaters	Concentration (in mg/kg)
Parathion	0.1

P089 Wastewaters	Concentration (in mg/L)
Parathion	0.025

P094 Nonwastewaters	Concentration (in mg/kg)
Phorate	0.1

P094 Wastewaters	Concentration (in mg/L)
Phorate	0.025

P097 Nonwastewaters	Concentration (in mg/kg)
Famphur	0.1

P097 Wastewaters	Concentration (in mg/L)
Famphur	0.025

P098 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P098 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P099 Nonwastewaters (See also Table A)	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P099 Wastewaters (See also Table A)	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P104 Nonwastewaters (See also Table A)	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P104 Wastewaters (See also Table A)	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P106 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P106 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

P121 Nonwastewaters	Concentration (in mg/kg)
Cyanides (Total)	110.
Cyanides (Amenable)	9.1

P121 Wastewaters	Concentration (in mg/L)
Cyanides (Total)	1.9
Cyanides (Amenable)	0.10

U028 Nonwastewaters	Concentration (in mg/kg)
Diethylhexyl phthalate	28.

U028 Wastewaters	Concentration (in mg/L)
Diethylhexyl phthalate	0.54

U069 Nonwastewaters	Concentration (in mg/kg)
Di-n-butyl phthalate	28.

U069 Wastewaters	Concentration (in mg/L)
Di-n-butyl phthalate	0.54

U088 Nonwastewaters	Concentration (in mg/kg)
Diethyl phthalate	28.

U088 Wastewaters	Concentration (in mg/L)
Diethyl phthalate	0.54

U102 Nonwastewaters	Concentration (in mg/kg)
Dimethyl phthalate	28.

U102 Wastewaters	Concentration (in mg/L)
Dimethyl phthalate	0.54

U107 Nonwastewaters	Concentration (in mg/kg)
Di-n-octyl phthalate	28.

U107 Wastewaters	Concentration (in mg/L)
D-n-octyl phthalate	0.54

U190 Nonwastewaters	Concentration (in mg/kg)
Phthalic anhydride (measured as Phthalic acid)	28.

U190 Wastewaters	Concentration (in mg/L)
Phthalic anhydride (measured as Phthalic acid)	0.54

U235 Nonwastewaters	Concentration (in mg/kg)
Tris-(2,3-dibromopropyl) phosphate	0.1

U235 Wastewaters	Concentration (in mg/L)
Tris-(2,3-dibromopropyl) phosphate	0.025

No Land Disposal for:

~~-K004 Nonwastewaters (Based on No Generation)-~~

K005 Nonwastewaters generated by the process described in the waste listing description, and disposed after June 8, 1989, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K007 Nonwastewaters generated by the process described in the waste listing description, and disposed after June 8, 1989, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

~~-K008 Nonwastewaters (Based on No Generation)-~~

~~-K015 Nonwastewaters (Based on No Ash)-~~

K021 ~~-Nonwastewaters-~~Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K025 ~~-Nonwastewaters-~~Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K036 ~~-Nonwastewaters-~~Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K044 (Based on Reactivity)

K045 (Based on Reactivity)

K047 (Based on Reactivity)

K060 ~~-Nonwastewaters-~~Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

K061 Nonwastewaters-High Zinc Subcategory (greater than or equal to 15% total zinc) (Based on Recycling): effective 8/8/90

K069 ~~-Nonwastewaters-~~Non-Calcium Sulfate Subcategory Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on Recycling)

~~-K083 Nonwastewaters-No Ash Subcategory (less than 0.01% total ash) (Based on No Ash)-~~

K100 ~~-Nonwastewaters-~~ Nonwastewater forms of these wastes generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes. (Based on No Generation)

(Source: Amended at 14 Ill. Reg. , effective)

1) Heading of the Part: RCRA and UIC Permit Programs

2) Code Citation: 35 Ill. Adm. Code 702

3) Section Numbers: Proposed Action:

702.122	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp, ch. 111 1/2, pars. 1013, 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of December 6, 1989, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendment to this Part allows the Environmental Protection Agency to deny a RCRA permit for the active life of a facility before receiving a complete application.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes. In R89-2.

Section Numbers	Proposed Action	Illinois Register Citation
702.160, 702.181	Amendment	November 17, 1989; 13 Ill. Reg. 17651
702.182, 702.183	Amendment	November 17, 1989; 13 Ill. Reg. 17651
702.184, 702.185	Amendment	November 17, 1989; 13 Ill. Reg. 17651
702.187	Amendment	November 17, 1989; 13 Ill. Reg. 17651

10) Statement of Statewide Policy Objectives:

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This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-9 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 12, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the RCRA permit application, preparation of manifests and annual reports, waste analyses and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101 Applicability
702.102 Purpose and Scope
702.103 Confidentiality
702.104 References
702.105 Rulemaking
702.106 Agency Criteria
702.107 Permit Appeals
702.108 Variances
702.109 Enforcement
702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120 Permit Application
702.121 Who Applies
702.122 Completeness
702.123 Information Requirements
702.124 Recordkeeping
702.125 Continuation of Expiring Permits
702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
702.140 Conditions Applicable to all Permits
702.141 Duty to Comply
702.142 Duty to Reapply
702.143 Need to Halt or Reduce Activity not a Defense
702.144 Duty to Mitigate
702.145 Proper Operation and Maintenance
702.146 Permit Actions
702.147 Property Rights
702.148 Duty to Provide Information
702.149 Inspection and Entry
702.150 Monitoring and Records
702.151 Signatory Requirements
702.152 Reporting Requirements
702.160 Establishing Permit Conditions
702.161 Duration of Permits

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702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
702.181 Effect of a Permit
702.182 Transfer
702.183 Modification
702.184 Causes for Modification
702.185 Facility Siting
702.186 Revocation
702.187 Minor Modifications

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at at, 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. , effctive ; amended in R89-9 at 14 Ill. Reg. , effective .

SUBPART B: PERMIT APPLICATIONS

Section 702.122 Completeness

The Agency shall not issue a permit under a program (RCRA or UIC) before receiving a complete application for a permit under that program except for emergency permits. An application for a permit under a program is complete when the Agency receives an application form and any supplemental information which are completed to its satisfaction. (35 Ill. Adm. Code 705.122). An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in 35 Ill. Adm. Code 703.186 (RCRA). The Agency may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit. (RCRA)

~~(Board Note:~~ See BOARD NOTE: Derived from 40 CFR 144.31(d) and 270.10(c),

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as amended at 54 Fed. Reg. 9607, March 7, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

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1) Heading of the Part: RCRA Permit Program

2) Code Citation: 35 Ill. Adm. Code 703

3) Section Numbers: Proposed Action:

703.121, 703.155, 703.157, 703.183, 703.225	Amendment
703.240	New Section
Appendix A	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of December 6, 1989, in R89-9, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1989.

The amendments to 35 Ill. Adm. Code 703: allow the Environmental Protection Agency to deny RCRA permits as to the active life of a facility; allow interim status facilities to treat wastes to meet land disposal bans without filing a permit application; and, specify new types of permit modifications which may be effected under simpler procedures.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be

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involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-9 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 12, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the RCRA permit application, preparation of manifests and annual reports, waste analyses and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. , effective .

SUBPART B: PROHIBITIONS

Section 703.121 RCRA Permits

a) No person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation:

1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

2) In violation of any condition imposed by a RCRA permit;

b) Owners and operators of HWM units ~~must~~ shall have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units and waste pile units that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, ~~must~~ shall have post-closure permits, unless they demonstrate closure by removal as provided under Sections 703.159 and 703.160. If a post-closure permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action and post-closure care requirements.

c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this Section.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~(BOARD NOTE: See~~ BOARD NOTE: Derived from 40 CFR 270.1(c) ~~(1987), as amended at 52 Fed. Reg. 45787, December 1, 1987.)~~ (1988), as amended at 54 Fed. Reg. 9607, March 7, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.155 Changes During Interim Status

a) ~~New hazardous wastes not previously identified in Part A of the permit application may be treated, stored or disposed of at a facility~~ Except as provided in subsection (b), the owner or operator of an interim status facility may make the following changes at the facility:

1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such ~~a change~~ treatment, storage or disposal;

~~b~~ 2) Increases in the design capacity of processes used at ~~a~~ the facility ~~may be made~~ if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because ~~of~~:

A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or

B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729.

~~c~~ 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition ~~al~~ of processes ~~may be added~~ if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:

~~i~~ A) ~~It~~ The change is necessary to prevent a threat to human health or the environment because of an emergency

situation; or

2 B) ~~It~~The change is necessary to comply with ~~Federal and State regulations~~a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;

~~d~~ 4) Changes in the ownership or operational control of a facility ~~may be made~~ if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725.Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725.Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

~~e~~ b) ~~In no event shall changes be made to an HWM facility during interim status which~~Except as specifically allowed under this subsection, changes listed under subsection (a) must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

1) ~~Changes under this Section do not include c~~Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.

2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.

3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

6) Changes ~~prohibited under this Section do not include changes~~ to treat or store, in ~~containers or~~ tanks or containers, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.

~~(BOARD NOTE: See~~BOARD NOTE: Derived from 40 CFR 270.72 ~~(1987), as amended at 52 Fed. Reg. 45787, December 1, 1987.)~~(1988), as amended at 54 Fed. Reg. 9607, March 7, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when:

a) Final administrative disposition of a permit application is made; or

b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35

Ill. Adm. Code 705.

c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:

1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and

2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:

1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and

2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2) or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements. (35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.)

f) For owners and operators of each incinerator facility on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.

~~f~~ g) For owners and operators of any facility (other than a land disposal or an incinerator facility) on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

~~(Note:~~ See BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (1988) and

270.73~~)~~ (1988), as amended at 54 Fed. Reg. 9607, March 7, 1989

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART D: APPLICATIONS

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

a) A general description of the facility;

b) Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;

c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);

d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b)~~;~~ ~~i~~. Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, ~~724.294~~ 724.326, 724.354, 724.373, 724.403 and 724.702;

f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;

g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.

h) A description of procedures, structures or equipment used at the facility to:

1) Prevent hazards in unloading operations (for example, ramps, special forklifts);

2) Prevent runoff from hazardous waste handling areas to other

areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

3) Prevent contamination of water supplies;

4) Mitigate effects of equipment failure and power outages; and

5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);

k) Facility location information as required by Section 703.184;

l) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, ~~and~~ -724.218 and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701 and 724.703;

n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm Code 724.219 have been filed;

o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the intitial receipt of hazardous wastes, if it is later than the submission of the Part B;

p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the intitial receipt of hazardous wastes, if it is later than the submission of the Part B;

q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

1) Map scale and date;

2) 100-year floodplain area;

3) Surface waters including intermittent streams;

4) Surrounding land uses (residential, commercial, agricultural, recreational);

5) A wind rose (i.e., prevailing windspeed and direction);

6) Orientation of the map (north arrow);

7) Legal boundaries of the HWM facility site;

8) Access control (fences, gates);

9) Injection and withdrawal wells both on-site and off-site;

10) Buildings; treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);

11) Barriers for drainage or flood control;

12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored or disposed (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.

t) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued.

u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105, or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

BOARD NOTE: Derived from 40 CFR 270.14(b) (1988), as amended at 54 Fed. Reg. 617, January 9, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.225 Trial Burns for Existing Incinerators

For the purpose-s- of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit -to-for an existing hazardous waste incinerator -may-shall prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (i), or, instead, submit other information as specified in Section 703.205(c). Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application -must-shall complete the trial burn and submit the results, specified in Section 703.223(f), with Part B of the permit application. If completion of this process conflicts with the date set for

submission of the Part B application, the applicant -must-shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. -If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within the time period specified by the Agency.-Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Agency shall specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

-(Board Note: See 40 CFR 122.27(b)(4).)-BOARD NOTE: Derived from 40 CFR 270.62(d) (1988), as amended at 54 Fed. Reg. 4288, January 30, 1989.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section 703.240 Permit Denial

The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or as to the active life of a HWM facility or unit only.

BOARD NOTE: Derived from 40 CFR 270.29, as adopted at 54 Fed. Reg. 9607, March 7, 1989.

(Source: Added at 14 Ill. Reg. , effective)

Section 703.Appendix A Classification of Permit Modifications

Class	Modifications
	A. General Permit Provisions
1	1. Administrative and informational changes.
1	2. Correction of typographical errors.
1	3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
	4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
1	a. To provide for more frequent monitoring, reporting or maintenance.
2	b. Other changes.

5. Schedule of compliance:

1* a. Changes in interim compliance dates, with prior approval of the Agency.

BOARD NOTE: "*" indicates that prior Agency approval is required.

3 b. Extension of final compliance date.

1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

1 a. To conform with Agency guidance or Board regulations.

2 b. Other changes.

2. Changes to analytical quality assurance/control plan:

1 a. To conform with agency guidance or regulations.

2 b. Other changes.

1 3. Changes in procedures for maintaining the operating record.

2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

2 a. That affect the type or decrease the amount of training given to employees.

1 b. Other changes.

6. Contingency plan:

2 a. Changes in emergency procedures (i.e., spill or release response procedures).

1 b. Replacement with functionally equivalent equipment, upgrade

or relocate emergency equipment listed.

2 c. Removal of equipment from emergency equipment list.

1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

C. Groundwater Protection

1. Changes to wells:

2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.

1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.

1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.

2* 4. Changes in point of compliance.

5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):

3 a. As specified in the groundwater protection standard.

2 b. As specified in the detection monitoring program.

2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.

7. Compliance monitoring program:

3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.

2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.

8. Corrective action program:

3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.

2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

1. Changes to the closure plan:

1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.

1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.

1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.

1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.

3 2. Creation of a new landfill unit as part of closure.

3. Addition of the following new units to be used temporarily for closure activities:

3 a. Surface impoundments.

3 b. Incinerators.

3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).

2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).

2 e. Tanks or containers (other than specified below).

1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

E. Post-Closure

1 1. Changes in name, address or phone number of contact in post-closure plan.

2 2. Extension of post-closure care period.

3 3. Reduction in the post-closure care period.

1 4. Changes to the expected year of final closure, where other permit conditions are not changed.

2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:

3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative

description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2.

2 a. Modification of a container unit without increasing the capacity of the unit.

1 b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

3 a. That require additional or different management practices from those authorized in the permit.

2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

2 4. Storage or treatment of different wastes in containers:

2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

5. Other changes in container management practices (e.g., aisle space; types of containers; segregation).

G. Tanks

1.

3 a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), ~~and~~ G(1)(d) and G(1)(e).

2 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

1 e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:

a. The capacity difference is no more than 1500 gallons,

b. The facility's permitted tank capacity is not increased and

c. The replacement tank meets the same conditions in the permit.

2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1 c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

H. Surface Impoundments

3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.

3 2. Replacement of a surface impoundment unit.

2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.

2 4. Modification of a surface impoundment management practice.

5. Treatment, storage or disposal of different wastes in surface impoundments:

3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

I. Enclosed Waste Piles. For all waste piles, except those complying

with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.

2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.

2 2. Modification of waste pile unit without increasing the capacity of the unit.

1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

3 a. That require additional or different management practices or different design of the unit.

2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

3 2. Replacement of a landfill.

3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.

2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.

2 5. Modification of a landfill management practice.

6. Landfill different wastes:

3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

K. Land Treatment

3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.

2 2. Modification of run-on control system.

3 3. Modify run-off control system.

2 4. Other modification of land treatment unit component

specifications or standards required in permit.

5. Management of different wastes in land treatment units:

3 a. That require a change in permit operating conditions or unit design specifications.

2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

3 a. Increase rate or change method of waste application.

1 b. Decrease rate of waste application.

2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.

3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.

3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).

3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.

2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

2 13. Changes in sampling, analysis or statistical procedure.

2 14. Changes in land treatment demonstration program prior to or during the demonstration.

1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.

1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.

3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.

2 18. Changes in vegetative cover requirements for closure.

L. Incinerators

3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 3. Modification of an incinerator unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to

remove HCl or particulates from the combustion gases or by changing other features of the incinerator that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 4. Modification of an incinerator unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time or oxygen concentration in the secondary combustion chamber. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Incineration of different wastes:

3 a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

1* b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1 8. Substitution of an alternate type of fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I, as adopted at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Underground Storage Tanks

2) Code Citation: 35 Ill. Adm. Code 731

3) Section Numbers: Proposed Action:

731.191, 731.193, 731.203, Appendix A Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of November 2, 1989, in R89-10, which Opinion is available from the address below. Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period October 27 through June 30, 1989.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference?

Yes. This Part incorporates federal regulations by reference.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(d) of the Environmental Protection Act, and by the Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) This rulemaking imposes mandates on units of local government only to the extent that they may own or operate underground storage tanks which contain petroleum or hazardous substances. The rules are intended to prevent groundwater contamination caused by leaking underground storage tanks.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-10 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: November 17, 1989

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which own or operate underground storage tanks which contain petroleum or hazardous substances. The rules indirectly affect small businesses involved in the manufacturing, installation, testing and repair of underground storage tanks and related equipment.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including notification of the existence of tanks, monitoring for leaks, reporting of suspected leaks, preparation of corrective action plans and maintenance of repair records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant and registered professional engineer with training in corrosion protection and hydrogeology.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731
UNDERGROUND STORAGE TANKS

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section
731.101 Definitions and exemptions (Repealed)
731.102 Interim prohibitions (Repealed)
731.103 Notification Requirements (Repealed)
731.110 Applicability
731.111 Interim Prohibition for Deferred Systems
731.112 Definitions
731.113 Incorporations by Reference
731.114 Implementing Agency

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section
731.120 Performance Standards for New Systems
731.121 Upgrading of Existing Systems
731.122 Notification Requirements

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section
731.130 Spill and Overfill Control
731.131 Operation and Maintenance of Corrosion Protection
731.132 Compatibility
731.133 Repairs Allowed
731.134 Reporting and Recordkeeping

SUBPART D: RELEASE DETECTION

Section
731.140 General Requirements for all Systems
731.141 Petroleum Systems
731.142 Hazardous Substance Systems
731.143 Tanks
731.144 Piping
731.145 Recordkeeping

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section
731.150 Reporting of Suspected Releases
731.151 Investigation due to Off-site Impacts
731.152 Release Investigation and Confirmation

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

731.153 Reporting and Cleanup of Spills and Overfills

SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section
731.160 General
731.161 Initial Response
731.162 Initial Abatement Measures and Site Check
731.163 Initial Site Characterization
731.164 Free Product Removal
731.165 Investigations for Soil and Groundwater Cleanup
731.166 Corrective Action Plan
731.167 Public Participation

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section
731.170 Temporary Closure
731.171 Permanent Closure and Changes-in-Service
731.172 Assessing Site at Closure or Change-in-Service
731.173 Previously Closed Systems
731.174 Closure Records

SUBPART H: FINANCIAL RESPONSIBILITY

Section
731.190 Applicability
731.191 Compliance Dates
731.192 Definitions
731.193 Amount and Scope of Required Financial Responsibility
731.194 Allowable Mechanisms and Combinations
731.195 Financial Test of Self-insurance
731.196 Guarantee
731.197 Insurance or Risk Retention Group Coverage
731.198 Surety Bond
731.199 Letter of Credit
731.202 Trust Fund
731.203 Standby Trust Fund
731.204 Substitution of Mechanisms
731.205 Cancellation or Nonrenewal by Provider
731.206 Reporting
731.207 Recordkeeping
731.208 Drawing on Financial Assurance
731.209 Release from Financial Assurance Requirement
731.210 Bankruptcy or other Incapacity
731.211 Replenishment
731.900 Incorporation by reference (Repealed)
731.901 Compliance Date (Repealed)

Appendix A Notification Form

AUTHORITY: Implementing Section 22.4(d) and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp. ch. 111 1/2, pars. 1022.4(d) and 1027).

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective September 12, 1989; amended in R89-10 at 14 Ill. Reg. , effective .

SUBPART H: FINANCIAL RESPONSIBILITY

Section 731.191 Compliance Dates

Owners of petroleum underground storage tanks are required to comply with the requirements of this Subpart by the following dates:

a) All petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of $20 million or more to the U.S. Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration or the Rural Electrification Administration: ~~- Immediately.~~ January 24, 1989, except that compliance with Section 280.94(b) is required by: July 24, 1989.

b) All petroleum marketing firms owning 100 through 999 USTs: October 26, 1989.

c) All petroleum marketing firms owning 13 through 99 USTs at more than one facility: April 26, 1990.

d) All petroleum UST owners not described in subsections (a), (b) or (c), including units of local government: October 26, 1990.

(Source: Amended at 14 Ill. Reg. , effective)

Section 731.193 Amount and Scope of Required Financial Responsibility

a) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per-occurrence amounts:

1) For owners or operators of petroleum underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: $1 million.

2) For all other owners or operators of petroleum underground storage tanks: $500,000.

b) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate amounts:

1) For owners or operators of 1 to 100 petroleum underground storage tanks: $1 million; and

2) For owners or operators of 101 or more petroleum underground storage tanks: $2 million.

c) For the purposes of subsections (b) and (f) only, a "petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.

d) Except as provided in subsection (e), if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:

1) Taking corrective action;

2) Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or

3) Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in subsection (a) and (b).

e) If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required must be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

f) Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum underground storage tanks are acquired or installed. If the number of petroleum underground storage tanks for which assurance must be provided exceeds 100, the owner or operator shall demonstrate financial responsibilty in the

amount of at least $2 million of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, the owner or operator shall demonstrate financial responsibility in the amount of at least $2 million of annual aggregate assurance by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

g) The amounts of assurance required under this Section exclude legal defense costs.

h) The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.

(Source: Amended at 14 Ill. Reg. , effective)

Section 731.203 Standby Trust Fund

a) An owner or operator using any one of the machanisms authorized by Sections 731.196, 731.198 or 731.199 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-1 et seq.)

b) Forms.

1) The Board incorporates by reference 40 CFR 280.103(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988 and as amended at 53 Fed. Reg. 51274, December 21, 1988. This Section incorporates no future editions or amendments.

2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.103(b), with such changes as are necessary under Illinois law.

3) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.103(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

4) In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.

c) The Fire Marshal shall instruct the trustee to refund the balance of

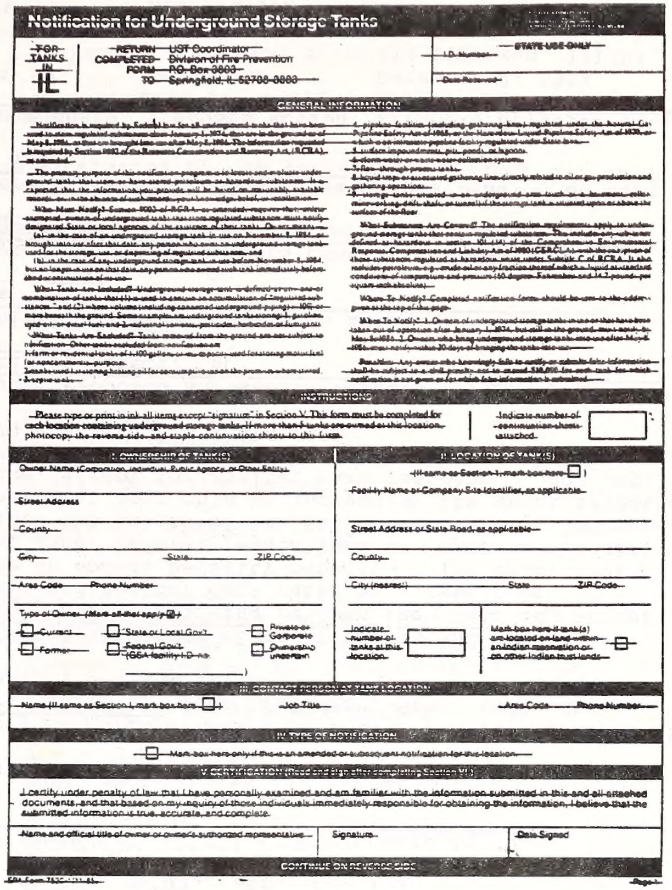
the standby trust fund to the provider of financial assurance if the Fire Marshal determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

d) An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this Subpart.

(Source: Amended at 14 Ill. Reg. , effective)

Section 731.Appendix A Notification Form

The Board incorporates by reference 40 CFR 280, Appendix I (1988), as amended at 53 Fed. Reg. 37208, September 23, 1988. This Section incorporates no future editions or amendments. Persons required to notify shall use forms provided by the Fire Marshal if available. Otherwise, they may prepare forms based on 40 CFR 280, Appendix I.



Notification for Underground Storage Tanks

FOR TANKS IN IL

RETURN COMPLETED FORM TO: UST Coordinator, Division of Fire Prevention, PO Box 3803, Springfield, IL 62708-3803

STATE USE ONLY
I.D. Number
Date Received

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances after January 1, 1974 and are in the ground as of May 8, 1985, or that are brought into use after May 8, 1985. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records or, in the absence of such records, your knowledge, belief, or estimation.

Who Must Notify? Section 9002 of RCRA, as amended, requires the owner of each underground storage tank system regulated under this rule must notify designated State or local agency of the existence of their tank. Owners must notify (a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and (b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

When Tanks Are Included? Underground storage tank is defined as one or combination of tanks (including pipes) in which regulated substances are used and are stored or have been stored at least 10% beneath the surface of the ground. Examples of underground storage tanks include, but are not limited to, any one or combination of tanks (including underground pipes) that is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the ground. Some examples of underground storage tanks (e.g. gasoline, used oil, or diesel fuel tanks) are single-walled, fiberglass reinforced plastic, coated and cathodically protected steel tanks, tanks made of concrete, and tanks with a lining material.

When Tanks Are Excluded? Tanks may be exempt from the ground as an aid to navigation. Other tanks excluded from notification are: (a) farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; (b) tanks used for storing heating oil for consumptive use on the premises where stored; (c) septic tanks; (d) pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws; (e) surface impoundments, pits, ponds, or lagoons; (f) storm water or wastewater collection systems; (g) flow-through process tanks; (h) liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; (i) storage tanks situated in an underground area (such as a basement, cellar, mine workings, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

When Releases Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g. crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

When To Notify? Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must send to Mail to: EPA, P.O. Box [illegible] Owners of tanks brought into use after May 8, 1985 must notify within 30 days of bringing the tank into use.

Penalties. Any person who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at the location, photocopy the reverse side and staple consecutively behind this page.

Indicate number of continuation sheets attached.

I. OWNER(S) OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)
Street Address
County
City — State — ZIP Code
Area Code — Phone Number
Type of Owner (Mark all that apply)
Current — State or Local Gov't — Private or Corporate
Former — Federal Gov't (GSA facility I.D. #) — Owner(s) Unknown
Other (Specify)

II. LOCATION OF TANK(S)

(If same as Section I, mark box here)
Facility Name or Company Site Identifier, as applicable
Street Address or State Road, as applicable
County
City (nearest) — State — ZIP Code
Indicate number of tanks at this location
Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here) — Job Title — Area Code — Phone Number

IV. TYPE OF NOTIFICATION

Mark box here only if this is an amended or subsequent notification for this location

V. CERTIFICATION (Read and sign after completing Section VI)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owners authorized representative — Signature — Date Signed

CONTINUE ON REVERSE SIDE

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Owner Name (from Section I) _____ Location (from Section II) _____ Page No. ___ of ___ Pages

VI. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for each tank in this location.)

Tank Identification No. (e.g., ABC-123), or Arbitrarily Assigned Sequential Number (e.g., 1,2,3...)	Tank No.	Tank No.	Tank No.	Tank No.	Tank No.
1. Status of Tank (Mark all that apply)					
Currently in Use	☐	☐	☐	☐	☐
Temporarily Out of Use	☐	☐	☐	☐	☐
Permanently Out of Use	☐	☐	☐	☐	☐
Brought into Use after 5/8/86	☐	☐	☐	☐	☐
2. Estimated Age (Years)					
3. Estimated Total Capacity (Gallons)					
4. Material of Construction (Mark one)					
Steel	☐	☐	☐	☐	☐
Concrete	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other (Please Specify)					
5. Internal Protection (Mark all that apply)					
Cathodic Protection	☐	☐	☐	☐	☐
Interior Lining (e.g., epoxy resins)	☐	☐	☐	☐	☐
None	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other (Please Specify)					
6. External Protection (Mark all that apply)					
Cathodic Protection	☐	☐	☐	☐	☐
Painted (e.g., asphaltic)	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic Coated	☐	☐	☐	☐	☐
None	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other (Please Specify)					
7. Piping (Mark all that apply)					
Bare Steel	☐	☐	☐	☐	☐
Galvanized Steel	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
Cathodically Protected	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other (Please Specify)					
8. Substance Currently or Last Stored in Greatest Quantity by Volume (Mark all that apply)					
a. Empty	☐	☐	☐	☐	☐
b. Petroleum					
Diesel	☐	☐	☐	☐	☐
Kerosene	☐	☐	☐	☐	☐
Gasoline (including alcohol blends)	☐	☐	☐	☐	☐
Used Oil	☐	☐	☐	☐	☐
Other (Please Specify)					
c. Hazardous Substance	☐	☐	☐	☐	☐
Please Indicate Name of Principal CERCLA Substance					
OR					
Chemical Abstract Service (CAS) No.					
Mark box if tank stores a mixture of substances	☐	☐	☐	☐	☐
d. Unknown	☐	☐	☐	☐	☐
9. Additional Information (for tanks permanently taken out of service)					
a. Estimated date last used (mo/yr)	/	/	/	/	/
b. Estimated quantity of substance remaining (gal.)					
c. Mark box if tank was filled with inert material (e.g., sand, concrete)	☐	☐	☐	☐	☐

EPA Form 7530-1 (11-85) Reverse — Page 2

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Proposed Action:

113.253	Amendment
113.260	Amendment

4) Statutory Authority: Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-5 and 12-13).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the grant adjustment allowance and shelter care rates as a result of the increase in Social Security benefits. The Department is required under federal regulations to "pass-on" to AABD recipients the amount of the SSI cost of living increase. The Department does this by increasing the grant adjustment allowance, except for shelter care residents. For shelter care residents, the Department increases the shelter care rate (20 CFR 416.2095 - 416.2098).

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
___Yes _X_ No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.154	Amendment	December 8, 1989 (13 Ill. Reg. 19130)
113.155	New Section	December 8, 1989 (13 Ill. Reg. 19130)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 21, 1989

B) Types of small businesses affected: Nursing Homes

C) Reporting, bookkeeping or other procedures required for compliance: No additional procedures required.

D) Types of professional skills necessary for compliance: No additional skills necessary.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income
113.109 Earned Income
113.110 Budgeting Earned Income
113.111 Protected Income
113.112 Earned Income
113.113 Budgeting Earned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; amended at __ Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

a) An allowance for ~~$189.90~~ $207.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.253 Allowances for Increase in SSI Benefits (Cont'd)

amount of the SSI increase from July 1977 and later will be available to clients.

b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of $10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at __ Ill. Reg. _____, effective _____)

Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
$ ~~586.55~~ 604.55	0-7	$ ~~598.55~~ 616.55
~~591.55~~ 609.55	8	~~604.55~~ 622.55
~~596.55~~ 614.55	9	~~610.55~~ 628.55
~~601.55~~ 619.55	10	~~616.55~~ 634.55
~~606.55~~ 624.55	11	~~622.55~~ 640.55
~~611.55~~ 629.55	12	~~628.55~~ 646.55
~~616.55~~ 634.55	13	~~634.55~~ 652.55
~~621.55~~ 639.55	14	~~640.55~~ 658.55
~~626.55~~ 644.55	15	~~646.55~~ 664.55
~~631.55~~ 649.55	16	~~651.55~~ 669.55
~~636.55~~ 654.55	17	~~657.55~~ 675.55
~~641.55~~ 659.55	18	~~663.55~~ 681.55
~~646.55~~ 664.55	19	~~669.55~~ 687.55
$ ~~651.55~~ 669.55	20	$ ~~675.33~~ 693.55

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.260 Sheltered Care Rates (Cont'd)

Group II Counties		Needs Assessment	Group III Counties	
~~656.55~~	674.55	21	~~681.55~~	699.55
~~661.55~~	679.55	22	~~687.55~~	705.55
~~666.55~~	684.55	23	~~693.55~~	711.55
~~671.55~~	689.55	24	~~699.55~~	717.55

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at __ Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Asbestos Abatement for Public and Private Schools in Illinois

2) Code Citation:

77 Ill. Adm. Code 855

3) Section Numbers: Proposed Action:

855.20	Amendment
855.30	Repeal
855.40	Amendment
855.50	Amendment
855.55	Amendment
855.260	Amendment
855.280	Amendment
855.290	Amendment
855.300	Amendment
855.340	Amendment
855.350	Amendment
855.360	Amendment
855.370	New Section
Appendix A Illustration	Amendment
Illustration B	Amendment
Appendix C Illustrations-Application Forms	
Illustration A	Amendment
Illustration B	Amendment
Illustration C	Amendment
Illustration D	Amendment
Illustration E	Amendment
Illustration F	Amendment
Illustration G	Amendment
Illustration H	New Section
Illustration I	New Section
Illustration J	New Section

4) Statutory Authority:

Asbestos Abatement Act
Ill. Rev. Stat. 1987, ch. 122, par. 1401 et seq., as amended by P.A. 86-416, effective January 1, 1990.

5) A Complete Description of the Subjects and Issues Involved:

Pursuant to the provisions of the Asbestos Abatement Act for Public and Private Schools in Illinois and pursuant to the rulemaking authority granted therein, the subjects and issues involved are as follows:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

855.20 Definitions

"Asbestos" - the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

"Asbestos Abatement Contractor" - any person that engages in the removal, enclosure, or encapsulation of asbestos containing materials for any school.

"Asbestos Containing Building Material or (ACBM)" - surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.

"Asbestos Inspector" - an individual licensed by the Department to perform inspections of schools for the presence of asbestos containing materials.

"Asbestos Professional" - any individual who is licensed by the Department to perform asbestos related duties.

"Contained Area"- a work area with a controlled passage of workers, other personnel and authorized visitors.

"Director" - the Director of the Public Health.

"Encapsulation" - the treatment of ACBM with a material that surrounds or embeds asbestos fibers to prevent the release of fibers.

"Friable" - the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

"Management Plan" - a plan developed for a Local Education Agency for the management of asbestos in school buildings.

"Management Planner" - an individual licensed to prepare management plans.

"Person" - any individual, group of individuals, association, trust, partnership, corporation, individual or group of individuals doing business under an assumed name, asbestos professionals, public school district(s), private school(s).

"Project" - work being conducted in an individual school facility that is greater than three linear feet or three square feet.

"Project Designer" - an individual licensed to design response actions.

"Response Action Contractor" - any person that provides response action services.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"School Building" - any school facility suitable for a classroom, library, school eating facility, gymnasium, administration or research program, any maintenance, storage or utility facility, any portico or covered exterior hallway or walkway and any exterior portion of a mechanical system used to condition interior space.

"Supervisor - shall be licensed as an asbestos worker and a supervisor.

855.30 - School Inspection and Hazard Assessment (Repealed)

855.40 - Corrective Action (Repealed)

855.40 - Application Requirements and Disciplinary Standards (New Section)

a) Applies to Sections 855.55, 855.260, 855.340, 855.350 and 855.360.

b) Expiration date and duplicate license fee of $15.00.

c) Nonrefundable $50.00 fee. Sixty days to process.

d) Reciprocity with other states. Reciprocity through Professional Regulations for Project Designers before applying.

e) Renewal application, nonrefundable $50.00 renewal fee, and refresher course certificates. Additional $15.00 fee for renewal applicants received after August 1.

855.50 - Contractor Licensing

b(1) Specifies character references.

b(3) Clarification of training.

c) Expiration date and duplicate license fee of $250.00.

d) $500.00 license fee.

e) Reciprocity with other states.

f) Renewal applications, nonrefundable $500.00 fee and refresher course certificate.

g) Renewal applications, nonrefundable $500.00 fee and refresher course certificate.

855.55 - Supervisor Licensing and Responsibilities

a) Qualifications are changed to outline form for clarification.

b) Responsibilities are added.

855.260 - Asbestos Project Manager Licensing and Responsibilities, Air Sampling Professional Licensing and Responsibilities and Laboratory Services.

a(1) Qualifications changed to outline form for clarification.

b)1(A) CIH may submit their American Board of Industrial Hygiene certificate instead of degree and transcripts.

b(2) ASP shall conduct or supervise.

d(8) Analyze by PCM or TEM depending on project date and size.

c(1) Correction made by requiring lab to be proficient in (PAT) or (AAR).

855.280 - Fines and Penalties

Changed to person instead of contractor.

c) For person acting as asbestos professional(s), fines shall be assessed per violation, with six months suspension from making application for licensure.

855.290 - Asbestos Worker Licensing

a(1)(3) Examination shall be passed at conclusion of the course.

b) Refresher course needed if certificate is expired.

d) Refresher course exam required, effective August 1, 1990. Two (2) years grace period for renewal instead of three (3) years.

855.300 - Training Course Accreditation

a) Inspector, management planner, project designer, contractor/supervisor and worker training courses shall be accredited by the Department. Air sampling professional training courses shall be registered with the Department. The Department will provide a list of accredited courses.

b) Training course providers shall apply for accreditation by submitting training course and application.

b(5) Refresher course requires examination, effective August 1, 1990.

c(1) Requires $500.00 fee for training course application review.

c(2) Requires $500.00 for renewal. $100.00 late fee.

c(4) US EPA fully approved refresher course shall be grandfathered in with the receipt of $500.00 before August 1, 1990.

d(1) Refresher course applicant must be accredited or an applicant of a training course specific to its' discipline.

d(3) Requires $250.00 refresher course review fee.

d(4) Requires $250.00 refresher course renewal fee.

d(6) US EPA fully approved refresher course shall be grandfathered in with the receipt of $250.00.

e) Two types of accreditation.

e(1) Contingent accreditation.

e(2) Full accreditation.

f) Fifteen (15) days to request a hearing if denied accreditation.

855.340 - Inspectors Licensing

b) Clarification of qualifications.

855.350 - Management Planner Licensing and Responsibilities

c) Clarification of qualifications.

855.360 - Project Designer

c) Clarification of qualifications.

e) Responsibilities are further specified.

Appendix A: Illustration B - Notice of Asbestos Abatement - Requires Estimated Cost of Abatement to be included and also the Estimated Cost of the Total Project from Building Owner

Appendix C: Illustrations A through D and F - $50.00 fee is required with application

Appendix C: Illustration E - $500.00 fee is required with application

Appendix C: Illustration H - Application for Project Manager

Appendix C: Illustration I - Application for the Training Course Accreditations

Appendix C: Illustration J - Application for Refresher Course Accreditation

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes X No ___

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No ___

If "yes," please specify type: 6.02(a) X or 6.02(b)___

9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

The objective is to establish requirements so all public and private schools will have qualified individuals capable of conducting inspections, developing management plans, designing abatement projects and conducting asbestos abatement projects safely.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

December 22, 1989

B) Type of Small Businesses Affected:

Contractor, Architectural, Engineering, Air Sampling Professional and Project Managing firms.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

a. Log of Inspectors, Management Planners, Project Designers, Air Sampling Professionals, Project Managers, Contractors, Supervisors and Training Course sponsors.

b. Documentation of training to be submitted to the Department by Inspectors, Management Planners, Project Designers, Air Sampling Professionals, Project Managers, Contractors, Supervisors.

D) Types of Professional Skills Necessary for Compliance:

Inspector must have experience, Management Planner must have experience of an inspector and a degree or must be a Registered Architect, Professional Engineer, Structural Engineer, or Certified Industrial Hygienist, Project Designer must be Registered Architect, Professional Engineer, Structural Engineer or a Certified Industrial Hygienist. Air Sampling Professional must have a degree and experience. Project Manager must have experience. Contractor must have experience. Supervisor has no professional requirements.

The full text of the proposed Rules is the same as the text of Emergency Amendments on page 335 of this Illinois Register.

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Proposed Action

1030.30	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking contains the classification system governing Illinois driver's licenses.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No.

9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.65	Amendment	13 Ill. Reg. 14019 (September 8, 1989)
1030.91	New Section	13 Ill. Reg. 14344 (September 15, 1989)
1030.95	Amendment	13 Ill. Reg. 16297 (October 20, 1989)

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

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NOTICE OF PROPOSED AMENDMENTS

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License
1030.15 Cite for Re-examination
1030.20 Classification of Drivers-References
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Employer Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80 Driver's License Testing/Written Test
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts/Road Test
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement For Photograph and Signature of Licensee On Driver's License
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Diplomatic and Consular Licenses
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
Appendix A Questions Asked of a Driver's License Applicant
Appendix B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

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NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill.Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1,1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1030.30 Classification Standards

a) For purposes of this Section, the following definitions shall apply:

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight, whichever is greater.

"Secretary of State" - the Secretary of State of Illinois.

ab) Driver's License Classification System

All driver's licenses to drive issued by the Office of the Secretary of State after April 1, 1990, shall be classified as to the kind and type of vehicle(s) the holder is licensed to drive, as follows:

~~1) Class A. Any motor vehicle with a registered gross weight of 8,000 lbs. or less, except~~

~~A) a truck tractor in combination with~~

~~i) semi-trailer or~~

~~ii) semi-trailer and one or more trailers;~~

B) any motor vehicle in combination with a stinger steered semi-trailer; and

C) any motorcycle or motor driven cycle.

2) Class B.

A) Any motor vehicle with a registered gross weight of 16,000 lbs. or less, except

i) a truck tractor in combination with either a semi-trailer or a semi-trailer and one or more trailers;

ii) any motor vehicle in combination with a stinger steered semi-trailer; and

iii) any motorcycle or motor driven cycle.

B) However, a struck tractor alone which has a agross vehicle weight of 16,000 lbs. or less may be driven with a Class B license regardless of the registered gross weight.

3) Class C. Any motor vehicle except

A) a truck tractor in combination with

i) semmi-trailer

ii) semi-trailer and one or more traailers;

B) any motor vehicle in combination with a stinger steered semi-trailer; and

C) any motorcycle or motor driven cycle

4) Class D. Any motor vehicle or combination of vehicles except a motor driven cycle or motorcycle

5) Class L. Any motor driven cycle

6) Class M. Any motorcycle

b) Classification Applicability to Power Unit Only

The registered gross weight of a vehicle for the purpose of this Section refers only to the power or pulling unit. The type, size or weight of an attached trailer or trailers is not to be taken into

account in determining the class of license required by a driver except where specific requirements to the contrary are made in this Section. (Therefore, an individual who has a driver's license properly classified to drive a car or truck (but not a truck tractor) is also properly licensed when that car or truck is pulling a boat trailer, mobile home, another motor vehicle, etc.)

1) Class A: Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. Holders of a Class A license may, with the appropriate or required endorsements, operate all vehicles within Class A, B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.

2) Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may, with appropriate or required endorsements, operate all vehicles within Class B, C and D, but are not authorized to operate motorcycles or motor driven cycles.

3) Class C:

A) Any single vehicle with a GVWR of 16,001 or more pounds but less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or

B) Any vehicle less than 26,001 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded; or

C) Any vehicle less than 26,001 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds.

Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor driven cycles.

4) Class D:

A) Any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded; or

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NOTICE OF PROPOSED AMENDMENT(S)

B) Any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded, towing any vehicle providing the GCWR is less than 26,001 pounds.

Holders of a Class D license may operate all vehicles within Class D, but are not authorized to operate motorcycles or motor driven cycles.

5) Class L: Any motor driven cycle. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-148.)

6) Class M: Any motorcycle. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-147.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

COMPTROLLER

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Access to Information

2) Code Citation: 2 Ill. Adm. Code 625

3) Section Number: 625.55 — Adopted Action: Amendment

4) Statutory authority: Ill. Rev. Stat.1987, ch. 116, pars. 201 et seq.; Ill. Rev. Stat. 1987, ch. 127, par. 1004.01.

5) Effective date of amendment: December 21, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date filed in Agency's Principal Office:

9) Notice of Proposal Published in Illinois Register: Not applicable.

10) Has JCAR issued a Statement of Objections to this amendment? Not applicable.

11) Difference between proposal and final version: Not applicable.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.

13) Will this amendment replace any emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendment:
To provide guidelines regarding fees to be charged when public information is supplied on magnetic tape or personal computer diskette.

16) Information and questions regarding this adopted amendment shall be directed to:

Kirby VanZandt
Office of the Comptroller
201 State House
Springfield, Illinois 62706
(217) 782-6000

The full text of the Adopted Amendment begins on the next page:

COMPTROLLER

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER VI: COMPTROLLER

PART 625
ACCESS TO INFORMATION

SUBPART A: PUBLIC INFORMATION

Section
625.10 Public Inspection (Repealed)
625.15 Definitions
625.20 Requests to be Made in Writing (Repealed)
625.25 Requests for Public Records
625.30 Specificity of Request (Repealed)
625.35 Responses to Requests for Public Records
625.40 Cost of Requested Information (Repealed)
625.45 Appeals of a Denial of a Request for Public Records
625.50 Requests Which are Disruptive of Office Operations (Repealed)
625.55 Inspection and/or Copying of Records
625.60 Information Not Available for Inspection (Repealed)
625.70 Appeal of a Request Denial (Repealed)

SUBPART B: RULEMAKING

Section
625.110 Presentation to the Deputy Comptroller
625.120 Presentation to the Comptroller
625.130 Action Upon Comptroller's Approval
625.140 Petitions
625.150 Compilation of Rules

SUBPART C: ORGANIZATION

Section
625.210 Duties of the Comptroller (Repealed)
625.215 Duties of the Comptroller
625.220 Office Locations (Repealed)
625.225 Office Locations
625.230 Deputy Comptroller (Repealed)
625.235 Employees and Budget
625.240 Organization Chart (Repealed)
625.245 List of Records

Appendix A Forms
Exhibit A Request for Public Records
Exhibit B Approval of Request for Public Records

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NOTICE OF ADOPTED AMENDMENT

Exhibit C Partial Approval of Request for Public Records
Exhibit D Deferral of Response to the Request for Public Records
Exhibit E Denial of Request for Public Records
Exhibit F FOIA Appeal - Comptroller's Response

Appendix B Organizational Chart

AUTHORITY: Implementing The Freedom of Information Act (Ill. Rev. Stat. 1987, ~~Public Act 83-1013, effective July 1, 1984 Supp. to Ill. Rev. Stat. 1983,~~ ch. 116, pars. 201 et seq.) and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987~~1983~~, ch. 127, par. 1004.01).

SOURCE: Adopted at 4 Ill. Reg. 44, P. 437, effective October 22, 1980; codified at 7 Ill. Reg. 16020; amended at 8 Ill. Reg. 14967, effective August 3, 1984; amended at 14 Ill. Reg. 186, effective December 21, 1989.

Section 625.55 Inspection and/or Copying of Records

a) Generally, public records will be made available for inspection during normal working hours of the Comptroller at the office of the Freedom of Information Officer.

b) Documents which the requester wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Comptroller employees.

c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of convenience, either the Comptroller or the requester may request that inspection take place in another Comptroller office location.

d) An employee of the Comptroller may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.

e) Unless waived as provided in subsection (f) of this Section, charges for copies of public records shall be imposed as follows:

1) Paper - 35¢ per page when the page to be copied does not exceed legal size; and $1.00 per page when the page to be copied exceeds legal size.

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2) Magnetic tape - $25 base charge for each request; $2 per 1,000 records produced, or any part thereof; and $30 for each magnetic tape reel we furnish.

3) Personal Computer Diskette - $25 base charge for each request; $2 per 1,000 records produced, or any part thereof; and $1 for each diskette we provide.

4) Special Programming Requests - $105 per hour, if special programming is required to produce the report.

f) Charges shall be waived if the requester is a State agency, a constitutional officer or a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest.

(Source: Amended at 14 Ill. Reg. 186, effective December 21, 1989.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Adopted Action:

140.490	Amendment
140.491	Amendment
140.492	Amendment

4) Statutory Authority: Sections 5-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-1 et seq. and 12-13)

5) Effective Date of Amendments: December 21, 1989

6) Does this rulemaking contain an automatic repeal date?
___ Yes X No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 21, 1989

9) Notices of Proposal Published in Illinois Register:

July 14, 1989 (13 Ill. Reg. 11157)

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Changes were made as a result of comments received from Mimi Griffiths of the Secretary of State's Office.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.428	Amendment	September 15, 1989 (13 Ill. Reg. 14265)
140.429	Repealed	September 15, 1989 (13 Ill. Reg. 14265)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.543	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.560	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.561	Amendment	August 18, 1989 (13 Ill. Reg. 13178)

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.562	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.569	Amendment	October 6, 1989 (13 Ill. Reg. 15612)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)

15) Summary and Purpose of Amendments: This rulemaking removes prior approval for transportation for individuals residing in long term care facilities and clarifies existing policy.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel C. Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA and AMI
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatment Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71 Drug Manual (Recodified)
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section
140.94 Hospital Services (Recodified)
140.95 Participation (Recodified)
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners and Laboratories
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services
140.430 Independent Laboratory Services
140.431 Services Not Covered by Independent Laboratory
140.432 Limitations on Independent Laboratory Services
140.433 Payment for Laboratory Services
140.434 Record Requirements for Independent Laboratories
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
140.445 Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.452 Mental Health Clinic Services
140.453 Definitions
140.454 Types of Mental Health Clinic Services
140.455 Payment for Mental Health Clinic Services
140.456 Hearings
140.460 Clinic Services
140.461 Clinic Participation Requirements
140.462 Covered Services in Clinics
140.463 Encounter Rate Clinics
140.464 Psychiatric Clinics (Hospital-based)
140.465 Speech and Hearing Clinics
140.466 Rural Health Clinics
140.467 Independent Clinics
140.469 Hospice
140.470 Home Health Services
140.471 Home Health Covered Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies and Prosthetic Devices

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Supplies and Prosthetic Devices
140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479 Approval of Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482 Family Planning Services
140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Medichek Services
140.486 Limitations on Medichek Services
140.487 Payment on Medichek Services
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.495 Psychological Services
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140.497 Hearing Aids

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg.10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being

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codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986;emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg.15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill.

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Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989;

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Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.490 Medical Transportation

a) Payment for medical transportation shall be be made to an individual or public or private transportation carrier who provides the appropriate form of transportation and who bills and receives payment from the general public and other third party payors (except for private autos pursuant to Section 140.490(a)(5)). Eligible providers to be considered for payment include:

1) Ambulance providers who hold a valid license from the Secretary of State (see ~~Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 3-401 and 8-101.1~~) Section 3-401 of the Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1987, ch. 95 1/2 par. 3-104) and Section 8-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987 ch. 95 1/2, par. 8-101)) and pass health/safety inspections annually by the Department of Public Health ~~(see Ill. Rev. Stat. 1985, ch. 111 1/2, par. 5509).~~ (see Section 9 of the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1987, ch. 95 1/2 par. 5509)). Vehicles operated by municipalities must meet the certification requirements contained in 77 Ill. Adm. Code 535, Subpart C, by July 1, 1987. The Department will grant exceptions to this requirement if the municipality can demonstrate that the Illinois Department of Public Health has granted a waiver or exception to such requirements.

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NOTICE OF ADOPTED AMENDMENTS

Section 140.490 Medical Transportation (Cont'd)

2) Medicar vehicles licensed by the Secretary of State (see ~~Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 3-401 and 8-101.~~ Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) and pass health/safety inspections annually by the Department of Public Health (see Section 9 of the Emergency Medical Services (EMS) Systems Act).

3) Taxicabs licensed by the Secretary of State and where applicable by local regulatory agencies (see ~~Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 3-401 and 8-101~~ Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) and pass health/safety inspections annually by the Department of Public Health (see Section 9 of the Emergency Medical Services (EMS) Systems Act).

4) Service cars licensed as livery cars by the Secretary of State and where applicable by local regulatory agencies (see ~~Ill. Rev. Stat. 1985 ch. 95 1/2, pars. 3-401, 8-101~~ Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) and pass health/safety inspections annually by the Department of Public Health (see Section 9 of the Emergency Medical Services (EMS) Systems Act).

5) Private auto.

6) Other modes of transportation (bus, train, airplane, etc.).

~~b) Payment for the provision of transportation to and from the source of medical care shall be made only when:~~

b) Payment for medical transportation shall be made when:

Transportation is provided to or from a source of medical care. Medical care is defined as any medical service covered under the Medical Assistance Program. Transportation will be provided for covered medical services even when the medical service is provided free of charge, such as the Veteran's Administration.

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NOTICE OF ADOPTED AMENDMENTS

Section 140.490 Medical Transportation (Cont'd)

~~1) The client's physical condition requires transport to or from the source of medical care by other than an emergency vehicle because of a physical handicap which prevents the client from using conventional transportation services or because of the unavailability of conventional transportation services; or~~

~~2) The need for transportation is predictable on-going and necessary; or~~

~~3) The transportation is needed for Medichek Services; or~~

~~4) The need is of an emergency nature necessitating the immediate use of an ambulance or other transportation vehicle which might satisfy this immediate need to the medical care source; or~~

~~5) The transportation is needed for drug or alcohol treatment/rehabilitation programs.~~

c) Payment shall not be made for medical transportation when: a cost-free means of transportation is available.

~~1) It is provided by a recipient's legally responsible relative or by another recipient of any public assistance program administered by the Department of Public Aid; or~~

~~2) A cost free means of transportation is available.~~

(Source: Amended at 14 Ill. Reg. 190, effective December 21, 1898)

Section 140.491 Limitations on Medical Transportation

a) In order for payment to be made, the transportation provided must be the least expensive type which is adequate to meet the individual's need. When public transportation is available and is a practical form of transportation, payment will not be made for a more expensive mode of transportation.

b) Approval from the Department is required prior to providing transportation to and from the source of medical care, except: ~~for transportation provided in~~

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NOTICE OF ADOPTED AMENDMENTS

Section 140.491 Limitations on Medical Transportation (Cont'd)

~~emergency situations. When approval is sought for subsequent trips to the same medical service, the client's physician or other medical provider must supply the local office with a brief written statement describing the nature of the need, the necessity for on-going visits, already established appointment dates and the number and expected duration of the required, on-going visits.~~

1) For transportation provided by an ambulance in emergency situations.

2) For individuals residing in a long term care facility.

3) For transportation provided by an ambulance for an individual who is transported from one hospital to a second hospital for services not available at the sending hospital.

c) When approval is sought for subsequent trips to the same medical service, the client's physician or other medical provider must supply the local office with a brief written statement describing the nature of the need, the necessity for on-going visits, already established appointment dates and the number and expected duration of the required on-going visits. An on-going approval, with a duration of up to six months, may be obtained when subsequent trips to the same medical source are required.

(Source: Amended at 14 Ill. Reg. 190, effective December 21, 1989)

Section 140.492 Payment for Medical Transportation

~~a) Payment for transportation services provided by Medicars, Service Cars, and individuals or groups (who are not legally responsible relatives or household members) other than a common carrier shall be paid according to the Department's established rates which are determined in part based on the market value and costs of providing these services. Each provider type is paid a base rate, a mileage rate and a fixed amount for non routine services provided (e.g., an additional attendant). Total loaded miles shall be reimbursed for ambulance, taxicab, and individual private auto trips. Loaded miles after ten (10) miles (twenty miles round trip) shall be reimbursed for Medicar and service car trips. In no case shall rates exceed the Medicare charge levels, where applicable, or the rate charged the general public.~~

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Section 140.492 Payment for Medical Transportation (Cont'd)

Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare charge level, where applicable, or the rates charged to the general public.

a) Medicars shall be paid a base rate, mileage rate and a fixed amount for nonroutine services (e.g., an additional attendant). Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.

b) Service cars shall be paid a base rate and a mileage rate. Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.

c) Private autos shall be paid for loaded miles at a mileage rate.

~~b)~~d) Payment for transportation services provided by common carrier, (e.g., taxicabs, air lines, buses, trains) shall be at the usual community rate.

~~c)~~e) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a basic rate, loaded miles, oxygen, and Advanced Life Support services when required. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (1) through (4) below. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public (as reflected on the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.492 Payment for Medical Transportation (Cont'd)

provider's claim form), or 80% of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department which exceeds these parameters shall remain in force. The rate of annual increase shall not exceed 5%.

2) Payment for loaded miles, i.e., those miles for which the provider is actually transporting an individual, shall be at a rate per mile. The rate per mile shall be 50% of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed 5%.

3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50% of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed 5%.

4) Payment for Advanced Life Support services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80% of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed 5%.

f) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives, or household members will be made at a loaded mileage rate.

(Source: Amended at 14 Ill. Reg. 190, effective December 21, 1989)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Adopted Action:

147.Table A	Amendment
147.Table B	Amendment

4) Statutory Authority: Sections 5-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-1 et seq. and 12-13)

5) Effective Date of Amendments: December 21, 1989

6) Does this rulemaking contain an automatic repeal date?
___Yes X No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 21, 1989

9) Notices of Proposal Published in Illinois Register: July 7, 1989 (13 Ill. Reg. 10763)

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Difference between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These Tables regarding staff time and allocation by need level are being revised to correspond with the Inspection of Care guidelines.

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16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel C. Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Flr.
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.25 Functional Needs and Restorative Care
147.50 Service Needs
147.75 Definitions
147.100 Reconsiderations
147.105 Midnight Census Report
147.125 Times and Staff Levels
147.150 Statewide Rates
147.175 Referrals
147.200 Basic Rehabilitation Aide Training Program
147.205 Nursing Rates
TABLE A Staff Time and Allocation by Need Level
TABLE B Staff Time and Allocation for Restorative Programs

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.Table A Staff Time and Allocation by Need Level

~~a) The following reimbursement times, allocations, and~~

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

need-levels-apply-for-the-reimbursement-period-from January-1,-1987-through-June-30,-1987:

Item	Level	Time	Allocation	Staff-Type
Bathing,-Grooming	0	4		Nurse-Aide
	1	12		Nurse-Aide
	2	22		Nurse-Aide
Clothing	0	2		Nurse-Aide
	1	10		Nurse-Aide
	2	20		Nurse-Aide
Eating	0	3		Nurse-Aide
	1	12		Nurse-Aide
	2	36		Nurse-Aide
	3	36		Licensed-Staff
Mobility	0	2		Nurse-Aide
	1	12		Nurse-Aide
	2	14		Nurse-Aide
Continence	0	0		
	1	14		Nurse-Aide
	2	18		Nurse-Aide
	3	22		Nurse-Aide
Psycho-Social-Care	0	12		Nurse-Aide
	1	16	15/1	Nurse-Aide/ Licensed-Staff
	2	22	21/1	Nurse-Aide/ Licensed-Staff
	3	36	35/1	Nurse-Aide Licensed-Staff
Appliances	0	0		
	1	6	5/1	Nurse-Aide/ Licensed-Staff
	2	12	10/2	Nurse-Aide/ Licensed-Staff
Catheters	0	0		
	1	12	6/6	Nurse-Aide/ Licensed-Staff
	2	14		Licensed-Staff

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff-Type
Decubitus-Care	0	0		
	1	8		Licensed-Staff
Decubitus-Care (cont'd)	2	20		Licensed-Staff
	3	8	6/2	Nurse-Aide/ Licensed-Staff
	4	14	12/2	Nurse-Aide/ Licensed-Staff
Wound-Care	0	0		
	1	6		Licensed-Staff
	2	18		Licensed-Staff
Injections	0	0		
	1	1		Licensed-Staff
	2	4.5		Licensed-Staff
Intravenous,-Clysis	0	0		
	1	4		Licensed-Staff
	2	8		Licensed-Staff
Lab-Specimen	0	0		
	1	1	.5/.5	Nurse-Aide/ Licensed-Staff
	2	2	1/1	Nurse-Aide/ Licensed-Staff
	3	10	5/5	Nurse-Aide/ Licensed-Staff
Speech---Language Pathology-and Audiology	0	0		
	1	8		Therapist
Medications-and Medication Monitoring	0	10		Licensed-Staff
	1	12		Licensed-Staff
	2	14		Licensed-Staff
	3	16		Licensed-Staff
Occupational-Therapy	0	0		
	1	14		Therapist
	2	14	13/1	COTA/Therapist
	3	14	13/1	Nurse-Aide/ Therapist

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NOTICE OF ADOPTED AMENDMENTS

Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff Type
	4	1		Therapist
Ostomy Care	0	0		
	1	6		Licensed
	2	13		Licensed
Physical Therapy	0	0		
	1	14		Therapist
	2	14	13/1	PTA/Therapist
Physical Therapy (cont'd)	3	14	13/1	Nurse Aide/ Therapist
	4	1		Therapist
Respiratory Therapy	0	0		
	1	17	15/2	Nurse Aide/ Licensed Staff
	2	25	5/20	Nurse Aide/ Licensed Staff
Tracheostomy Care	0	0		
	1	6		Licensed Staff
	2	13		Licensed Staff
Suctioning	0	0		
	1	5		Licensed Staff
	2	30		Licensed Staff
Passive Range of Motion	0	0		
	1	7		Nurse Aide
	2	14		Nurse Aide
Discharge Planning	0	0		
	1	10		Licensed Staff
Activities	0	10		Nurse Aide
Grooming	0	3		Nurse Aide

Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

b) The following reimbursement times, allocations, and need levels apply for the reimbursement period from July 1, 1987 through December 31, 1987:

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	6		Nurse Aide
	1	12		Nurse Aide
	2	22		Nurse Aide
Clothing	0	4		Nurse Aide
	1	10		Nurse Aide
	2	20		Nurse Aide
Eating	0	6		Nurse Aide
	1	15		Nurse Aide
	2	39		Nurse Aide
	3	39		Licensed Staff
Mobility	0	5		Nurse Aide
	1	12		Nurse Aide
	2	14		Nurse Aide
Continence	0	2		
	1	14		Nurse Aide
	2	18		Nurse Aide
	3	22		Nurse Aide
Psycho Social Care	0	12		Nurse Aide
	1	22	17.5/4.5	Nurse Aide/ Licensed Staff
	2	28	19.5/8.5	Nurse Aide/ Licensed Staff
	3	36	35/1	Nurse Aide/ Licensed Staff
Appliances	0	0		
	1	6	5/1	Nurse Aide/ Licensed Staff
	2	12	10/2	Nurse Aide/ Licensed Staff
Catheters	0	0		

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff-Type
	1	12	6/6	Nurse-Aide/ Licensed-Staff
	2	14		Licensed-Staff
Decubitus-Care	0	0		
	1	8		Licensed-Staff
	2	20		Licensed-Staff
	3	8	6/2	Nurse-Aide/ Licensed-Staff
	4	14	12/2	Nurse-Aide/ Licensed-Staff
Wound-Care	0	0		
	1	6		Licensed-Staff
	2	18		Licensed-Staff
Injections	0	0		
	1	1		Licensed-Staff
	2	4.5		Licensed-Staff
Intravenous, -Clysis	0	0		
	1	4		Licensed-Staff
	2	8		Licensed-Staff
Lab-Specimen	0	0		
	1	1	.5/.5	Nurse-Aide/ Licensed-Staff
	2	2	1/1	Nurse-Aide/ Licensed-Staff
	3	10	5/5	Nurse-Aide/ Licensed-Staff
Speech---Language Pathology and Audiology	0	0		
	1	8		Therapist
Medications and Medication Monitoring	0	12		Licensed-Staff
	1	14		Licensed-Staff
	2	16		Licensed-Staff
	3	18		Licensed-Staff
Occupational-Therapy	0	0		
	1	14		Therapist
	2	14	13/1	COTA/Therapist

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff-Type
	3	14	13/1	Nurse-Aide/ Therapist
	4	1		Therapist
Ostomy-Care	0	0		
	1	6		Licensed
	2	13		Licensed
Physical-Therapy	0	0		
	1	14		Therapist
	2	14	13/1	PTA/Therapist
	3	14	13/1	Nurse-Aide/ Therapist
	4	1		Therapist
Respiratory-Therapy	0	0		
	1	17	15/2	Nurse-Aide/ Licensed-Staff
	2	25	5/20	Nurse-Aide/ Licensed-Staff
Tracheostomy-Care	0	0		
	1	6		Licensed-Staff
	2	13		Licensed-Staff
Suctioning	0	0		
	1	5		Licensed-Staff
	2	30		Licensed-Staff
Passive-Range-of Motion	0	0		
	1	7		Nurse-Aide
	2	14		Nurse-Aide
Discharge-Planning	0	0		
	1	10		Licensed-Staff
Activities	0	10		Nurse-Aide
Grooming	0	3		Nurse-Aide

Agency-Note:--Level "0" carries no reimbursement potential when accompanied by "0" time.--Level "0" provides reimbursement for

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NOTICE OF ADOPTED AMENDMENTS

Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

~~every facility when accompanied with time. Such time becomes a facility's base rate for every resident.~~

ae) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on ~~or after~~ January 1, 1988, through June 30, 1989.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	6		Nurse Aide
	1	12		Nurse Aide
	2	22		Nurse Aide
Clothing	0	4		Nurse Aide
	1	10		Nurse Aide
	2	20		Nurse Aide
Eating	0	6		Nurse Aide
	1	15		Nurse Aide
	2	39		Nurse Aide
	3	39		Licensed Staff
Mobility	0	5		Nurse Aide
	1	12		Nurse Aide
	2	14		Nurse Aide
Continence	0	2		
	1	14		Nurse Aide
	2	18		Nurse Aide
	3	22		Nurse Aide
Psycho-Social Care	0	12		Nurse Aide
	1	22	17.5/4.5	Nurse Aide/ Licensed Staff
	2	28	19.5/8.5	Nurse Aide/ Licensed Staff
	3	36	35/1	Nurse Aide/ Licensed Staff
Appliances	0	0		
	1	6	5/1	Nurse Aide/ Licensed Staff
	2	12	10/2	Nurse Aide/ Licensed Staff

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff Type
Catheters	0	0		
	1	12	6/6	Nurse Aide/ Licensed Staff
	2	14		Licensed Staff
Decubitus Care	0	0		
	1	8		Licensed Staff
	2	20		Licensed Staff
	3	0	0/0	
	4	0	0/0	
Decubitus Prevention	0	0		Nurse Aide/
	1	8	6/2	Licensed Staff
	2	14	12/2	Nurse Aide/ Licensed Staff
Wound Care	0	0		
	1	6		Licensed Staff
	2	18		Licensed Staff
Injections	0	0		
	1	1		Licensed Staff
	2	4.5		Licensed Staff
Intravenous, Clysis	0	0		
	1	4		Licensed Staff
	2	8		Licensed Staff
Lab Specimen	0	0		
	1	1	.5/.5	Nurse Aide/ Licensed Staff
	2	2	1/1	Nurse Aide/ Licensed Staff
	3	10	5/5	Nurse Aide/ Licensed Staff
Speech - Language Pathology and Audiology	0	0		
	1	8		Therapist
Medications and Medication Monitoring	0	12		Licensed Staff
	1	14		Licensed Staff
	2	16		Licensed Staff

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff Type
	3	18		Licensed Staff
Occupational Therapy	0	0		
	1	14		Therapist
	2	14	13/1	COTA/Therapist
	3	14	13/1	Nurse Aide/ Therapist
	4	1		Therapist
Ostomy Care	0	0		
	1	6		Licensed
	2	13		Licensed
Physical Therapy	0	0		
	1	14		Therapist
	2	14	13/1	PTA/Therapist
	3	14	13/1	Nurse Aide/ Therapist
	4	1		Therapist
Respiratory Therapy	0	0		
	1	17	15/2	Nurse Aide/ Licensed Staff
	2	25	5/20	Nurse Aide/ Licensed Staff
Tracheostomy Care	0	0		
	1	6		Licensed Staff
	2	13		Licensed Staff
Suctioning	0	0		
	1	5		Licensed Staff
	2	30		Licensed Staff
Passive Range of Motion	0	0		
	1	7		Nurse Aide
	2	14		Nurse Aide
Discharge Planning	0	0		
	1	10		Licensed Staff
Health and Fitness	0	0		
	1	4	3/1	Nurse Aide/ Licensed Staff

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff Type
	2	5	3/2	Nurse Aide/ Licensed Staff
	3	4	3/1	Nurse Aide/ Licensed Staff
Activities	0	10		Nurse Aide
Grooming	0	3		Nurse Aide

Agency Note: level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.

b) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after July 1, 1989.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	6		Nurse Aide
	1	12		Nurse Aide
	2	22		Nurse Aide
Clothing	0	4		Nurse Aide
	1	10		Nurse Aide
	2	20		Nurse Aide
Eating	0	6		Nurse Aide
	1	15		Nurse Aide
	2	39		Nurse Aide
	3	39		Licensed Staff
Mobility	0	5		Nurse Aide
	1	12		Nurse Aide
	2	14		Nurse Aide
Continence	0	2		
	1	14		Nurse Aide
	2	19.6		Nurse Aide
Psycho-Social Care	0	12		Nurse Aide

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff Type
	1	28	19.5/8.5	Nurse Aide/ Licensed Staff
Appliances	0	0		
	1	7	6/1	Nurse Aide/ Licensed Staff
Catheters	0	0		
	1	12.1	6/6.1	Nurse Aide/ Licensed Staff
Decubitus Care	0	0		
	1	8		Licensed Staff
	2	20		Licensed Staff
	3	0	0/0	
	4	0	0/0	
Decubitus Prevention	0	0		Nurse Aide/
	1	8	6/2	Licensed Staff
	2	14	12/2	Nurse Aide/ Licensed Staff
Wound Care	0	0		
	1	6		Licensed Staff
	2	18		Licensed Staff
Injections	0	0		
	1	1		Licensed Staff
	2	4.5		Licensed Staff
Intravenous, Clysis	0	0		
	1	4		Licensed Staff
	2	8		Licensed Staff
Lab Specimen	0	0		
	1	1	.5/.5	Nurse Aide/ Licensed Staff
	2	2	1/1	Nurse Aide/ Licensed Staff
	3	10	5/5	Nurse Aide/ Licensed Staff
Speech - Language	0	0		

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Item	Level	Time	Allocation	Staff Type
Pathology and Audiology	1	0		Therapist
Medications and Medication	0	12.8		Licensed Staff
	1	16.1		Licensed Staff
Occupational Therapy	0	0		
	1	13		Therapist
Ostomy Care	0	0		
	1	6		Licensed
	2	13		Licensed
Physical Therapy	0	0		
	1	13		Nurse Aide
Respiratory Therapy	0	0		
	1	17	15/2	Nurse Aide/ Licensed Staff
	2	25	5/20	Nurse Aide/ Licensed Staff
Tracheostomy Care	0	0		
	1	6		Licensed Staff
	2	13		Licensed Staff
Suctioning	0	0		
	1	5		Licensed Staff
	2	30		Licensed Staff
Passive Range of Motion	0	0		
	1	11.8		Nurse Aide
Discharge Planning	0	0		
	1	10		Licensed Staff
Health and Fitness	0	0		
	1	4	3/1	Nurse Aide/ Licensed Staff
Activities	0	10		Nurse Aide
Grooming	0	3		Nurse Aide

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Section 147.Table A Staff Time and Allocation by Need Level (Cont'd.)

Agency Note: level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.

(Source: Amended at 14 Ill. Reg. 210, effective December 21, 1989)

Section 147.Table B Staff Time and Allocation for Restorative Programs

Table B refers to Section 147.25(e), "Restorative Care"

~~a) The following reimbursement times, allocations, and need levels apply for the reimbursement period from January 1, 1987 through June 30, 1987:~~

~~Item~~	~~Level~~	~~Time~~	~~Allocation~~	~~Staff Type~~
~~Bathing, Grooming~~	~~0~~	~~0~~		
	~~1~~	~~8~~	~~6/2~~	~~Nurse Aide/ Licensed Staff~~
~~Clothing~~	~~0~~	~~0~~		
	~~1~~	~~8~~	~~6/2~~	~~Nurse Aide/ Licensed Staff~~
~~Eating~~	~~0~~	~~0~~		
	~~1~~	~~8~~	~~6/2~~	~~Nurse Aide/ Licensed Staff~~
~~Mobility~~	~~0~~	~~0~~		
	~~1~~	~~14~~	~~12/2~~	~~Nurse Aide/ Licensed Staff~~

~~Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time.~~

~~b) The following reimbursement times, allocations, and need levels apply for the reimbursement period from July 1, 1987 through December 31, 1987:~~

~~Item~~	~~Level~~	~~Time~~	~~Allocation~~	~~Staff Type~~
~~Bathing, Grooming~~	~~0~~	~~0~~		

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Section 147.Table B Staff Time and Allocation for Restorative Programs (Cont'd.)

~~Item~~	~~Level~~	~~Time~~	~~Allocation~~	~~Staff Type~~
	~~1~~	~~14~~	~~12/2~~	~~Nurse Aide/ Licensed Staff~~
~~Clothing~~	~~0~~	~~0~~		
	~~1~~	~~14~~	~~12/2~~	~~Nurse Aide/ Licensed Staff~~
~~Eating~~	~~0~~	~~0~~		
	~~1~~	~~14~~	~~12/2~~	~~Nurse Aide/ Licensed Staff~~
~~Mobility~~	~~0~~	~~0~~		
	~~1~~	~~20~~	~~18/2~~	~~Nurse Aide/ Licensed Staff~~

~~Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time.~~

ae) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on ~~or after~~ January 1, 1988, through June 30, 1989.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	0		
	1	14	12/2	Nurse Aide/ Licensed Staff
Clothing	0	0		
	1	14	12/2	Nurse Aide/ Licensed Staff
Eating	0	0		
	1	14	12/2	Nurse Aide/ Licensed Staff
Mobility	0	0		
	1	20	18/2	Nurse Aide/ Licensed Staff

Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time.

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Section 147.Table B Staff Time and Allocation for Restorative Programs (Cont'd.)

b) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after July 1, 1989.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	0		
	I	14	12/2	Nurse Aide/ Licensed Staff
	2	20	18/2	Nurse Aide/ Licensed Staff
Clothing	0	0		
	I	14	12/2	Nurse Aide/ Licensed Staff
	2	20	18/2	Nurse Aide/ Licensed Staff
Eating	0	0		
	I	14	12/2	Nurse Aide/ Licensed Staff
	2	23	21/2	Nurse Aide/ Licensed Staff
Mobility	0	0		
	I	20	18/2	Nurse Aide/ Licensed Staff
	2	27	25/2	Nurse Aide/ Licensed Staff

Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time.

(Source: Amended at 14 Ill. Reg. 210, effective December 21, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Illinois Water Well Construction Code

2) Code Citation:

77 Ill. Adm. Code 920

3) Section Numbers: Adopted Action:

920.50	Amendment
920.120	Amendment
920.130	Amendment
920.150	Amendment
920.160	Amendment

4) Statutory Authority:

Illinois Water Well Construction Code
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 116.111 et seq.

5) Effective Date of Rules:

January 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes___ No X

If "yes," please specify type: 6.02(a)___ or 6.02(b)___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

January 1, 1990.

9) Date Notice(s) of Proposal was Published in Illinois Register:

September 29, 1989 - 13 Ill. Reg. 15338

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

A) Statement of Objection: _____, ___ Ill. Reg. _____

B) Agency Response: _____, ___ Ill. Reg. _____

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

There were no changes pursuant to public comment.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

There were no substantive changes pursuant to Joint Committee comments.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ___ No X

14) Are there any other Amendments Pending on this Part? Yes ___ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

15) Summary and Purpose of Rules:

Sections 920.50, 920.110, 920.120, 920.130 and 920.160 amended to remove the term "potable". Currently, Public Health issues permits to construct potable water wells and Mines and Minerals issues permits to construct

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

non-potable wells. Recent legislation would require Public Health to issue permits for both potable and non-potable wells. The amendment simply changes the rules to allow the Department to issue permits for all water wells. This is most easily done by removing the word "potable" from the rules.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 920
ILLINOIS WATER WELL CONSTRUCTION CODE

SECTION
920.10 Definitions
920.15 Incorporated Materials
920.20 Scope
920.30 General Requirements
920.40 Design Factors
920.50 Location
920.60 Drilled Wells in Unconsolidated Formations
920.70 Drilled Well Construction in Consolidated Formations
920.80 Special Type Wells
920.90 Construction Materials and Other Requirements
920.100 Finishing and Testing
920.110 Modification of Wells
920.120 Abandoned Wells
920.130 Permit Requirements
920.140 Administrative Hearings
920.150 Designation of Agents of the Department
920.160 Issuance of Water Well Permits by Units of Local Government
TABLE A Casing and Liner Pipe Weights and Dimensions
TABLE B Plastic Casing and Liner Pipe Specifications
ILLUSTRATION A Unconsolidated Formations with Non-Stable Overburden
ILLUSTRATION B Unconsolidated Formations with Stable Overburden
ILLUSTRATION C Gravel Wall Construction
ILLUSTRATION D Aquifer Below Creviced Formations
ILLUSTRATION E Creviced Formations
ILLUSTRATION F Bored or Dug Well - Well Not Finished With Buried Slab
ILLUSTRATION G Bored or Dug Well - Buried Slab Construction

AUTHORITY: Implementing and authorized by the Illinois Water Well Construction Code (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 116.111 et. seq., as amended by Public Act 86-843, effective January 1, 1990).

SOURCE: Adopted September 12, 1973; amended at 2 Ill. Reg. 42, p. 35, effective October 16, 1978; rules repealed, new rules adopted and codified at 7 Ill. Reg. 9633, effective August 1, 1983; amended at 12 Ill. Reg. 2990, effective January 13, 1988; amended at 14 Ill. Reg. 228, effective January 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 920.50 Location

a) General. In establishing the location of a well, the constructor shall give consideration to sources of contamination which exist on or adjacent to the premises where the well is to be located. As far as possible, the well shall be located on ground which is higher than sources of contamination and shall have ready access for repairs, maintenance, treatment and inspection. All water wells, except monitoring wells, shall be located in accordance with the minimum distances in subsection ~~Section~~ ~~920.50~~(b) and shall be constructed in accordance with the requirements of this Part.

b) Relation to Sources of Contamination. Determination of minimum lateral distances to locate a well from potential sources of contamination, involves evaluation of the character and location of the sources of contamination, types of geologic formations present, depth to the aquifer, direction of ground water flow, effect on the ground water movement by well pumping and possibilities of flooding of the site by surface waters. Based on practice and experience, accepted minimum lateral distances for some common sources of pollution with respect to a well have been established. The lack of specific distances for other possible sources of contamination such as streams, refuse disposal sites, excavations, waste treatment facilities, buried oil and gasoline storage tanks, improperly constructed wells and cisterns, does not minimize their potential hazards. These must be evaluated in each particular situation and a distance arrived at based on the pertinent facts. The Department may be called on for assistance in determining a proper distance.

1) The following minimum lateral distances shall apply for the common sources of contamination listed:

SOURCES OF CONTAMINATION	MINIMUM LATERAL DISTANCES FOR CLAY AND LOAM SOILS
Cess Pools	150 Feet
Leaching Pit	100 Feet
Pit Privy	75 Feet
Subsurface Seepage Tile	75 Feet
Manure Piles	75 Feet
Septic Tank	50 Feet
Barnyard	50 Feet
Sewers A well or suction piping may be located to within	

10 feet of a sewer provided the sewer consists of cast iron pipe with water tight mechanical joints or schedule 40 PVC pipe or heavier with water tight joints.	50 Feet
Footing Drains (No connection to a sewer or a sump handling sewage)	10 Feet
Pump House Floor Drain	2 Feet
Lakes, Ponds, or Streams	25 Feet

2) When the upper formations are more pervious, the lateral distances shall be increased (i.e. double the distance for highly pervious gravel formations.)

3) Prohibitions. Beginning January 18, 1990 ~~1988~~, no new ~~non-community, semi-private or private~~ water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless some other distance is allowed or required in subsection ~~Section~~ ~~920.50~~ (b)(1). Where the owner is the same for both the well and a potential secondary source or a potential route, the well shall be no closer than 75 feet from the potential route or potential secondary source, unless some other distance is allowed or required in subsection ~~Section 920.50~~(b)(1).

4) Where the owner of a water ~~potable~~ well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department shall allow a variance to the minimum separation distances required between a water ~~potable~~ well and a potential primary source, potential secondary source or a potential route if a demonstration is provided by the owner of the ~~potable~~ water well that applicable protective measures will be utilized to minimize the potential for contamination of the well, and if the resulting well installation can be expected to provide a continuously safe and sanitary water supply in compliance with the Act, this Part and the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900). Applicable protective measures may include ensuring sources of contamination are down grade from the water source or isolation of the potential source of contamination in such a manner as to prevent a route of contamination of the ground water, or isolating the potential source of contamination to prevent accidental introduction of contaminants into ground water. In order to obtain a variance the owner must comply with Section 920.30(c). (Section 6(a) of the Act).

c) Flood Water. Locations subject to flooding shall be avoided. If no reasonable alternate site exists, wells may be constructed in flood zones providing special protective construction is included. The casing of the well shall terminate not less than two feet above the maximum known flood water elevation.

d) Relation to Building. With respect to buildings, pits, and basements the location of a well shall be as follows:

1) Adjacent to Building. When a well must be located adjacent to a building, it shall be so located that the center line of the well extended vertically will clear any projection from the building by not less than two feet.

2) Pits and Basements. New wells shall not be constructed in pits or basements.

(Source: Amended at 14 Ill. Reg. 228, effective January 1, 1990)

Section 920.120 Abandoned Wells

a) Abandonment of Wells.

1) The owner of a ~~potable~~ water well, boring, or monitoring well shall assure that such well is sealed within thirty (30) days after it is abandoned and no longer used for the purpose for which it was intended. The Department shall grant an extension of this time provided the owner submits a written request to the Department indicating the reasons for the request and an estimate of time in which the well will be either sealed or reused. In granting an extension, the Department must be assured that applicable protective measures will be taken and the methods and materials will be in compliance with the Act and this Part. Applicable protective measures may include ensuring sources of contamination are down grade from the water source or isolation of the potential source of contamination in such a manner as to prevent a route of contamination of the ground water, or isolating the potential source of contamination to prevent accidental introduction of contaminants into ground water.

2) Wells shall be sealed by a licensed water well driller pursuant to the Water Well and Pump Installation Contractor's License Act. A person who is not so licensed may seal a well, provided a request is made to the Department prior to the commencement of sealing indicating how the well is to be sealed and the materials to be used. The Department shall grant approval when requested prior to the commencement of sealing if the methods

and materials are in compliance with this Section.

b) Sealing Requirements. ~~Potable~~ Wwater wells, borings, or monitoring wells which are abandoned shall be sealed by placing the sealing materials from the bottom of the well to the surface by methods that will avoid segregation or dilution of material in accordance with the following requirements:

1) Non-creviced, Consolidated formations. Wells extending into non-creviced sandstone, or other water bearing consolidated formations shall be sealed by filling the well with disinfected clean sand free of mud or dirt, or pea gravel to the top of the water bearing formation or to within 10 feet of the casing, whichever is less. Disinfection shall be accomplished by treating the area of the well which penetrates the aquifer in accordance with Section 920.100(b). Neat cement containing bentonite, aquajel or similar materials from 2% to 6% by weight or pure bentonite in any form shall be placed for a minimum of 10 feet above this point or to the top of the water bearing formation, whichever is greater. A clay slurry or impervious material shall be used to fill the upper part of the well to the surface.

2) Creviced formations. Wells extended into creviced formations shall be sealed by filling with disinfected clean pea gravel to the top of the water bearing formation or to within 10 feet of the casing whichever is less. Neat cement containing bentonite, aquajel or similar materials from 2% to 6% by weight, or pure bentonite in any form shall be placed for a minimum of 10 feet above this point or to the top of the aquifer, whichever is greater. A clay slurry or impervious material shall be used to fill the upper part of the well to the surface.

3) Unconsolidated formations. In the event the water bearing formation consists of coarse gravel and producing wells are located nearby, the well shall be sealed by filling with disinfected clean pea gravel to the top of the water bearing formation. Neat cement containing bentonite, aquajel, or similar materials from 2% to 6% by weight, or pure bentonite in any form shall be placed for a minimum of 10 feet above this point. Clay or impervious material shall be used to fill the remaining upper part of the well to the surface. Abandoned wells extending only into unconsolidated formations near the surface can be sealed by completely filling with concrete, cement grout, neat cement or clay.

4) More than one water bearing formation. Where wells extend into more than one water bearing formation, each water bearing

formation shall be sealed independently in the manner described in this Section depending upon the type of formation encountered. A neat cement plug shall be placed a minimum of 10 feet above and below all intermittent water bearing formations. Disinfected clean pea gravel shall be placed in each water bearing formation between plugs. A clay slurry or other impervious materials shall be used to fill all other parts of the well between plugs and the upper part of the well to the surface.

5) Artesian wells. In such wells, a cement retainer shall be used with pressure grouting equipment utilized to place cement grout. Neat cement shall be placed for a minimum of 10 feet above the water bearing formation. A clay slurry or other impervious materials shall be used to fill the upper part of the well to the surface.

6) Where the well casing consists of brick, stone, concrete blocks, porous tile, or other porous material, the casing shall be removed to a depth of at least ten (10) feet below the surface.

c) Non-Producing well. Where a ~~potable~~ water well is drilled and a water bearing formation is not located, the water well shall be filled with clay, drill cuttings, or neat cement containing bentonite, aquajel or similar materials from 2% to 6% by weight, or pure bentonite in any form by the water well driller not more than ten (10) calendar days after the well has been drilled.

d) The well casing shall be removed to at least 3 feet below final grade.

e) Notification.

1) The Department, approved local health department, or approved unit of local government shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to seal a ~~potable~~ water, or monitoring well.

2) The Department shall be notified when a ~~potable~~ water, boring, or monitoring well is sealed by the owner of the water well not more than 30 days after the water well is sealed. The following shall be submitted on forms provided by the Department:

A) The date the water well was drilled.

B) Depth of the well and diameter.

C) Location of the well.

D) Type of sealing method used.

E) Original water well permit number.

F) Date the well was sealed.

G) Type of well (boring, dug, or drilled).

H) Whether the formation is clear of obstructions.

I) Casing Record (explanation of the required removal).

J) Water Well Drillers License number and name.

(Source: Amended at 14 Ill. Reg. 228, effective January 1, 1990)

Section 920.130 Permit Requirements

a) Permit. Effective January 1, 1990~~1988~~, a permit to construct or deepen a ~~private or semi-private water well or~~ a water well ~~to serve a non-community water system~~ must be obtained from the Department prior to construction.

b) Application. Application for a permit shall be made on the forms provided by the Department. All applications for permit shall include a plan and drawing of the proposed construction. At a minimum the plan must include:

1) A drawing indicating lot size with dimensions to septic tanks, location of any abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination and an indication of the type of contamination source.

2) Water well driller's license number and name.

3) Estimated daily pumping capacity.

4) The location of the water well including, county, city, street address or lot number, township, range, directions to the site (i.e., subdivision lot number, highway number, secondary roads, signs to follow, etc.), and section.

5) Name and address of the owner of the well.

6) Type of well to be constructed (bored, dug, or drilled).

7) An estimate of the depth of the well.

8) Type of well (i.e., private water well, semi-private water well, or non-community public water well.

c) Expiration. A permit is void if construction has not commenced within one year of date of issuance.

d) Water Well Fee. The fee to be paid for a permit to construct or deepen a water well shall be $75.00.

e) The Department shall grant permit requests which meet the requirements of the Act and this Part. The Department's standards for denial of a permit request are set forth in subsection ~~Section 920.130~~(f).

f) Groundwater Contamination.

1) The Department shall deny the approval of a permit request when available information indicates that the groundwater aquifer contains contamination which renders the water unsafe under the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900). A potential public health problem may be detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of water supply, type of construction or information from previous well owners which might indicate the water would be too hazardous to drink.

2) The Department shall grant approval of a request for a permit when approved treatment is shown to reduce contaminant levels below the levels of recognized health advisories or established by the Department and the federal government and referenced below. Such treatment includes, but is not limited to, sampling for additional contaminants, more frequent sampling for contaminants, or imposing of maximum contaminant levels specified in the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900), National Primary Drinking Water Regulations (40 CFR 141 and 142, July 8, 1987 52 Fed. Reg. 25690 through 25717), or in recognized public health advisories concerning the safety of drinking water issued by the Department or U.S.E.P.A.

g) Notification. Effective January 1, 1990~~1988~~, any person who constructs or deepens a ~~potable~~ water well for which a permit has been issued under this Part, shall notify the Department, or approved local health department, or approved unit of local government by telephone or in writing at least two days prior to commencement of the work.

(Source: Amended at 14 Ill. Reg. 228, effective January 1, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 920.150 Designation of Agents of the Department

a) The Department may designate and use full-time municipal, district, county, or multi-county health departments as its agents for the purpose of performing inspections of water well construction, investigating complaints, inspecting existing water wells and inspecting the work of water well drillers. Such health departments which desire approval as an agent shall make such request in writing to the Department.

b) The Department shall designate such health departments as its agent provided the health department agrees to issue permits for the construction of all new water wells, perform inspections of all water wells for which a permit has been issued by the health department, ~~Department and~~ inspect all non-community public water supplies, and inspects the sealing of all abandoned water wells and enters into a written agreement with the Department for the conduct of an inspection program.

(Source: Amended at 14 Ill. Reg. 228, effective January 1, 1990)

Section 920.160 Issuance of Water Well Permits by Units of Local Government

a) Approval. A unit of local government may issue ~~potable~~ water well construction permits provided such units of local government adopt an ordinance which requires the unit of local government to issue water well permits, and which establishes a system for the inspection of water well construction and regulation and provided such ordinance is approved by the Department.

b) In order to receive approval of an ordinance, the unit of local government must submit a request for approval from the Department and must submit a copy of such ordinance including all amendments. The ordinance shall be approved by the Department provided the ordinance:

1) has been adopted by the unit of local government and shall be in effect

2) adopts the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

3) requires the inspection by the unit of local government of each water well for which a permit is issued and the sealing of each abandoned ~~potable~~ water well, boring, or monitoring well within its jurisdiction. The unit of local government shall enter into a written agreement with the Department to ~~for the~~ conduct ~~of an~~ inspections ~~program~~.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

c) Required Information. An approved unit of local government which has an ordinance approved by the Department in accordance with subsection ~~Section 920.160~~(a) of this Section ~~Part~~ shall submit to the Department the information listed in Section 920.130(b) of this Part for each ~~potable~~ water well permit issued. This information shall be submitted within 30 days of issuance of the date of issuance of the permit and shall be submitted on forms provided by the Department.

(Source: Amended at 14 Ill. Reg. 228, effective January 1, 1990)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Adopted Action:
130.330 Amendment
130.2000 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 441

5) Effective Date of Amendment(s): December 21, 1989

6) Does this rulemaking contain an automatic repeal date? ___Yes __X__No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office:

9) Notice of Proposal Published in Illinois Register:

December 23, 1989, 12 Ill. Reg. 22097
(issue date)

10) Has JCAR issued a Statement of Objections to this Rule?: Yes

A) Statement of Objection: December 29, 1989, 13 Ill. Reg. 20410

B) Agency Response: January 5, 1990, 13 Ill. Reg. 411

C) Date Agency Response Submitted for Approval to JCAR: December 19, 1989

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the main source note, line 24, made the word "amendment" plural. Changed the last lines of the main source note to read as follows: "emergency amendments at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day limit of the original rulemaking; emergency expired January 29, 1989, amended at 13 Ill. Reg. _____, effective _____."

2. In Section 130.330(b)(9), changed "includes, but is" to "include, but are."

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3. In Section 130.330(h)(1), moved the last five lines of the text in the table to the right 1/2 inch.

Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Added a reference to Public Acts 85-1135 and 86-905 in its summary at the time this rulemaking was adopted.

2. Added "(Section 2 of the Act) after the distinguishing type in Section 130.2000(b)(3).

3. Make its Source Note to conform with that presently on file with the Administrative Code Division, particularly, added the text reflecting the emergency amendments of September 1, 1988 and the amendments of June 29, 1989.

4. Revised the second sentence of Section 130.330(b)(9) to read in relevant part, "include, but are" instead of "includes, but is".

5. In Section 130.330(h)(1), indented the table as if it were labeled at the third level of subsection.

6. Deleted all text from the second-to-last sentence of Section 130.2000(b)(3) after "(Section 2 of the Act)".

7. Deleted the text "but in no event shall the tax base be less than the cost price of the materials" from the sixth sentence of Section 130.2000(b)(3).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.310	Amendment	6/2/89, 13 Ill. Reg. 8391

15) Summary and Purpose of Rule(s): Tax treatment of products and photofinishing pursuant to the passage of P.A. 85-1135 and P.A. 86-905.

16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101 Character and Rate of Tax
130.115 Responsibility of Trustees, Receivers, Executors or Administrators
130.110 Occasional Sales
130.111 Sale of Used Motor Vehicles by Leasing or Rental Business
130.115 Habitual Sales
130.120 Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201 The Test of a Sale at Retail
130.205 Sales for Transfer Incident to Service
130.210 Sales of Tangible Personal Property to Purchasers for Resale
130.215 Further Illustrations
130.220 Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305 Farm Machinery and Equipment
130.310 Food, Drugs, Medicines and Medical Appliances
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320 Gasohol
130.325 Graphic Arts Machinery and Equipment Exemption
130.330 Manufacturing Machinery and Equipment
130.335 Pollution Control Facilities
130.340 Rolling Stock
130.345 Oil Field Exploration, Drilling and Production Equipment
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410 Cost of Doing Business Not Deductible
130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 State and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties

DEPARTMENT OF REVENUE

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130.445 Federal Taxes
130.450 Installation, Alteration and Special Service Charges

SUBPART E: RETURNS

Section
130.501 Monthly Tax Returns--When Due--Contents
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration
130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725 Display
130.730 Replacement of Certificate
130.735 Certificate Not Transferable
130.740 Certificate Required For Mobile Vending Units
130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
130.801 General Requirements
130.805 What Records Constitute Minimum Requirement

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130.810 Records Required to Support Deductions
130.815 Preservation and Retention of Records
130.820 Preservation of Books During Pendency of Assessment Proceedings
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties

SUBPART J. BINDING OPINIONS

Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Leased Department
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
130.1405 Seller's Responsibility to Obtain Certificates of Resale
130.1410 Requirements for Certificates of Resale
130.1415 Resale Number--When Required and How Obtained
130.1420 Blanket Certificate of Resale

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
130.1501 Claims for Credit--Limitations--Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds

DEPARTMENT OF REVENUE

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130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns Are Not Required After Discontinuation of a Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
130.1701 General Information

SUBPART R: POWER OF ATTORNEY

Section
130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915 Auctioneers and Agents
130.1920 Barbers and Beauty Shop Operators
130.1925 Blacksmiths
130.1930 Chiropodists, Osteopaths and Chiropractors
130.1935 Computer Software
130.1940 Construction Contractors and Real Estate Developers
130.1945 Co-operative Associations
130.1950 Dentists
130.1951 Enterprise Zones
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions
130.1965 Florists and Nurserymen
130.1970 Hatcheries
130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists, Oculists and Opticians
130.1985 Pawnbrokers
130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

130.2006 Sales by Teacher-Sponsored Student Organizations
130.2007 Exemption Identification Numbers
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020 Physicians and Surgeons
130.2025 Picture-Framers
130.2030 Public Amusement Places
130.2035 Registered Pharmacists and Druggists
130.2040 Retailers of Clothing
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050 Sales and Gifts By Employers to Employees
130.2055 Sales by Governmental Bodies
130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065 Sales of Automobiles for Use In Demonstration
130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2080 Sales to Governmental Bodies
130.2085 Sales to or by Banks and Savings and Loan Associations
130.2090 Sales to Railroad Companies
130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100 Sellers of Feeds and Breeding Livestock
130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and their Suppliers
130.2110 Sellers of Seeds and Fertilizer
130.2115 Sellers of Machinery, Tools and the Like
130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
130.2125 Trading Stamps and Discount Coupons
130.2130 Undertakers and Funeral Directors
130.2135 Vending Machines
130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items made to Order
130.2145 Vendors of Meals
130.2150 Vendors of Memorial Stones and Monuments
130.2155 Vendors of Signs
130.2156 Vendors of Steam
130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165 Veterinarians
130.2170 Warehousemen

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendments at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989.

NOTE: Capitalization denotes statutory language.

Section 130.330 Manufacturing Machinery and Equipment

a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. The exemption applies whether the sale or lease is made directly by the manufacturer or some other person. In certain cases purchases of machinery and equipment by a lessor will be exempt even though that lessor does not himself employ the machinery and equipment in an exempt manner. The exemption is phased in over a six-year period beginning January 1, 1979.

b) Manufacturing and Assembling.

1) This exemption exempts from tax only machinery and equipment used in manufacturing or assembling tangible personal property for sale or lease. Thus, the use of machinery and equipment in any industrial, commercial or business activity which may be distinguished from manufacturing or assembling will not be an exempt use and such machinery and equipment will be subject to tax.

2) The manufacturing process is the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating or refining which changes some existing material or materials into a material with a different form, use or name. These changes must result from the process in question and be substantial and significant.

3) The process or activity must be commonly regarded as manufacturing. To be so regarded, it must be thought of as manufacturing by the general public. Generally, the scale, scope and character of a process or operation will be considered to determine if such process or operation is commonly regarded as manufacturing. This limits "manufacturing" to an operation at a fixed location or one of a series of operations each at a fixed location whereby a new article is produced. Manufacturing includes such activities as processing, fabricating and refining.

4) Manufacturing does not include extractive industrial activities. Mining, quarrying, logging, and drilling for oil, gas, and water neither produce articles of tangible personal property nor effect any significant or substantial change in the form, use or name of the materials or resources upon which they operate.

5) The printing process is not commonly regarded as manufacturing and court decisions have found that printing is not manufacturing. Therefore, machinery and equipment used in any printing application will not qualify for exemption. This includes graphic arts, newspapers, books, etc. as well as other industrial or commercial applications.

6) Agricultural, horticultural and related, similar or comparable activities, including commercial fishing, beekeeping, production of seedlings, seed corn, and the development of hybrid seeds, plants, or shoots, are not manufacturing or assembling and, accordingly, machinery and equipment used in such activities is subject to tax.

7) The preparation of food and beverages by restaurants, food service establishments, and other retailers is not manufacturing.

8) Assembling means the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name.

9) Effective September 1, 1988, manufacturing includes photoprocessing if the products of photoprocessing are sold. Machinery and equipment which would qualify for exemption includes, but are not limited to, developers, dryers, enlargers, mounting machines, roll film splicers, film developing image makers, disc film opening and spindling devices, film indexers, photographic paper exposure equipment, photographic paper developing machines, densitometers, print inspection devices, photo print/negative cut assembly stations, film sleeve insertion machines, negative image producers, film coating equipment, photo transparency mounters, processor rack sanitizers, photo print embossers, photo print mounting presses, graphic slide generators, chemical mixing equipment and paper exposure positioning and holding devices, etc. Cameras and equipment used to take pictures or expose film are not eligible as the photoprocessing begins after the film is exposed. Retail/net price calculation equipment and chemical reclamation equipment are not considered to be manufacturing machinery and equipment.

c) Machinery and Equipment.

1) The law exempts only the purchase and use of "machinery" and "equipment" used in manufacturing or assembling. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the manufacturing or assembling of tangible personal property for sale or lease.

2) Machinery means major mechanical machines or major components of such machines contributing to a manufacturing or assembling process: INCLUDING, MACHINERY AND EQUIPMENT USED IN THE GENERAL MAINTENANCE OR REPAIR OF SUCH EXEMPT MACHINERY AND EQUIPMENT OR FOR IN-HOUSE MANUFACTURE OF EXEMPT MACHINERY AND EQUIPMENT.

3) EQUIPMENT MEANS ANY INDEPENDENT DEVISE OR TOOL SEPARATE FROM

ANY MACHINERY BUT ESSENTIAL TO AN INTEGRATED MANUFACTURING OR ASSEMBLING PROCESS: INCLUDING COMPUTERS USED PRIMARILY IN OPERATING EXEMPT MACHINERY AND EQUIPMENT IN A COMPUTER-ASSISTED DESIGN; COMPUTER-ASSISTED MANUFACTURING (CAD/CAM) SYSTEM, OR ANY SUB-UNIT OR ASSEMBLY COMPRISING A COMPONENT OF ANY MACHINERY OR AUXILIARY, ADJUNCT OR ATTACHMENT, PARTS OF MACHINERY, SUCH AS, TOOLS, DIES, JIGS, FIXTURES, PATTERNS AND MOLDS, OR ANY PARTS WHICH REQUIRE PERIODIC REPLACEMENT IN THE COURSE OF NORMAL OPERATION. THE EXEMPTION DOES NOT INCLUDE HAND TOOLS, SUPPLIES (SUCH AS RAGS, SWEEPING OR CLEANING COMPOUNDS), COOLANTS, LUBRICANTS, ADHESIVES, OR SOLVENTS, ITEMS OF PERSONAL APPAREL (SUCH AS GLOVES, SHOES, GLASSES, GOGGLES, COVERALLS, APRONS, MASKS, MASK AIR FILTERS, BELTS, HARNESSES, OR HOLSTERS), COAL, FUEL OIL, ELECTRICITY, NATURAL GAS, ARTIFICIAL GAS, STEAM, REFRIGERANTS OR WATER.

4) The exemption includes the sale of materials to a purchaser who manufactures such materials into an exempted type of machinery or equipment or tools which such purchaser uses himself in the manufacturing of tangible personal property or leases to a manufacturer of tangible personal property. However, such purchaser must maintain adequate records clearly demonstrating the incorporation of such materials into exempt machinery and equipment.

5) Machinery and equipment does not include foundations for, or special purpose buildings to house or support, machinery and equipment.

d) Primary Use.

1) The law requires that machinery and equipment be used primarily in manufacturing or assembling. Therefore, machinery which is used primarily in an exempt process and partially in a non-exempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50 percent in an exempt manner in order to claim the deduction.

2) The fact that particular machinery or equipment may be considered essential to the conduct of the business of manufacturing or assembling because its use is required by law or practical necessity does not, of itself, mean that machinery or equipment is used primarily in manufacturing or assembling.

3) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:

A) The use of machinery or equipment to effect a direct and immediate physical change upon the tangible personal property to be sold;

B) The use of machinery or equipment to guide or measure a direct and immediate physical change upon the tangible personal property to be sold, provided such function is an integral and essential part of tuning, verifying, or aligning the component parts of such property;

C) The use of machinery or equipment to inspect, test or measure the tangible personal property to be sold where such function is an integral part of the production flow;

D) The use of machinery and equipment to convey, handle, or transport the tangible personal property to be sold within production stations on the production line or directly between such production stations or buildings within the same plant;

E) The use of machinery or equipment to place the tangible personal property to be sold into the container, package, or wrapping in which such property is normally sold to the ultimate consumer thereof.

4) By way of illustration and not limitation, the following activities will generally not be considered to be manufacturing:

A) The use of machinery or equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance, or improvement of real estate;

B) The use of machinery or equipment in research and development of new products or production techniques, machinery, or equipment;

C) The use of machinery or equipment to store, convey, handle or transport materials or parts or sub-assemblies prior to their entrance into the production cycle;

D) The use of machinery or equipment to store, convey, handle or transport finished articles of tangible personal property to be sold or leased after completion of the production cycle;

E) The use of machinery or equipment to transport work in process, or semifinished goods, between plants;

F) The use of machinery or equipment in managerial, sales, or other nonproduction, nonoperational activities including disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training;

G) The use of machinery or equipment to prevent or fight fires or to protect employees, such as protective equipment face masks, helmets, gloves, coveralls, and goggles or for safety, accident protection or first aid even though such machinery or equipment may be required by law;

H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, not required by the manufacturing process;

I) The use of machinery or equipment in the preparation of food and beverages by a retailer for retail sale, i.e., restaurants, vending machines, food service establishments, etc.

5) An item of machinery or equipment which initially is used primarily in manufacturing or assembling and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses will become subject to tax at the time of the conversion. Such tax will be collected on such portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.

e) Product Use.

1) The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. Accordingly, a manufacturer or assembler who uses any significant portion of the output of his machinery or equipment, either for internal consumption or any other nonexempt use, or a lessor who leases otherwise exempt machinery and equipment to such a manufacturer or assembler, will not be eligible to claim the exemption on that machinery and equipment. No apportionment of production capacity between output for sale or lease and output for self-use will be permitted and no partial exemption for any item of machinery and equipment will be allowed.

2) The production of articles of tangible personal property for

sale, a portion of which is diverted by the manufacturer thereof to use as sales samples or as the subjects of quality control testing which renders the articles unfit for sale, will nevertheless be deemed to be production for sale, provided such diversion represents only a small portion of the production of the articles of tangible personal property or of the sale of those articles.

3) Machinery and equipment used in the performance of a service, such as dry cleaning, is not used in the production of tangible personal property for sale and is thus taxable. However, a manufacturer or assembler who uses machinery and equipment to produce goods for sale or lease by himself or another, or to perform assembly or fabricating work for a customer who retains the manufacturer or assembler only for his services, will not be liable for tax on the machinery and equipment he uses as long as the goods produced either for himself or another are destined for sale or lease, rather than for use and consumption.

f) Sales to Lessors of Manufacturers.

1) For this exemption to apply, the purchaser need not himself employ the exempt machinery or equipment in manufacturing. If the purchaser leases that machinery or equipment to a lessee-manufacturer who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude such sales from his taxable gross receipts provided the purchaser-lessor provides to him a properly completed exemption certificate and the information contained herein would support an exemption if the sale were made directly to the lessee-manufacturer.

2) Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in a manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he was previously exempted.

g) Exemption Certificates.

1) The user of such machinery or equipment and tools shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction and submit the certificate to the retailer. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. If the user has an active registration or resale number, that number may be given in lieu of the prescribed certificate.

2) If a manufacturer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must prepare and retain in his files, the completed exemption certificate. The exemption certificate shall be available to the Department for inspection or audit.

3) Form ~~RR-586~~ RR-602, Summary Schedule, must be filed with the monthly Retailers' Occupation Tax returns to establish the amount of deductions for that month.

4) A vendor who makes sales of machinery or equipment to a manufacturer or lessor of a manufacturer must collect Use Tax, and will owe Retailers' Occupation Tax, on that sale unless the purchaser certifies the exempt nature of the purchase to the vendor as set out above. The Summary Schedule, ~~RR-586~~ RR-602, must be submitted in lieu of taxes at the time the taxes are due.

h) Exclusion of Proceeds from Tax.

1) The exemption allows proceeds or costs of exempt machinery and equipment sales and purchases to be excluded from the base to which the tax rate is to be applied according to the following schedule:

Sales Made During Calendar Year:	Portion of Price Which May be Excluded from Tax:
1979	31.25%
1980	31.25%
1981 to Aug. 31, 1981	56.25%
Sept. 1, 1981 to Dec. 31, 1982	31.25%
Jan. 1, 1983 to Dec. 31, 1983	56.25%
Jan. 1, 1984 to Dec. 31, 1984	81.25%
Jan. 1, 1985 and years subsequent	100%

2) For purposes of determining the portion of the proceeds or costs which may be excluded from tax, a sale of property will be deemed to be made as of the date of delivery of such property. If a single sale of property is made which calls for multiple deliveries unrelated to payments and a portion of the sold property is delivered when one fraction of the proceeds or costs is excludible and the remainder of the property is

delivered when a different fraction of the proceeds or costs is excludible, the earliest date of delivery of any of the property will determine the portion of the proceeds or cost of the entire sale which may be excluded in computing the tax that is due on that entire sale. However, even when a contract provides for multiple deliveries, if a payment is closely related in time and quantity to the property delivered, the date of each delivery will determine the portion of the proceeds or cost which may be excluded in computing the tax that is due on that payment.

i) Opinions and Rulings.

Informal ruling and opinion letters issued by the Department regarding the coverage and applicability of this exemption to specific devices will be maintained by the Department in Springfield. They will be available for public inspection and may be copied or reproduced at taxpayer's expense. Trade secrets or other confidential information in such letters will be deleted prior to release to public access files.

(Source: Amended at 14 Ill. Reg. 241, effective December 21, 1989)

Section 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers

a) Classification of Businesses

Falling into the classification of persons engaged in the graphic arts or related occupations are printers, book binders, typographers, portrait or commercial photographers, commercial artists, portrait painters, sign painters, photostaters, and blueprinters ~~and photofinishers~~. This list is illustrative, but not exhaustive. Persons falling under this ~~Regulation~~ Part may or may not qualify for the graphic arts machinery and equipment exemption set forth in Section 130.325.

b) Persons Engaged in the Graphic Arts--When Liable For Tax

1) Persons engaged in the graphic arts or related occupations may, under certain circumstances, be considered to be engaged in the business of selling tangible personal property to purchasers for use or consumption, in which event they incur Retailers' Occupation Tax liability. This is the case, for example, when they sell to purchasers for use or consumption tangible personal property which is standard enough to be stocked for sale or offered for sale from catalogues or other sales literature, or which otherwise is sold at retail apart from the seller's

engaging in a service occupation. Illustrations would include legal forms, pictures or other items which are stocked for sale or offered for sale to the public generally, or products of photoprocessing.

2) Effective August 1, 1961, a person who is engaged in the graphic arts also incurs Retailers' Occupation Tax liability on his receipts from sales, to users, of items which he produces on special order if such item serves substantially the same function as stock or standard items of tangible personal property that are sold at retail. Items which "serve substantially the same function" are those which, when produced on special order, could be sold substantially as produced to someone other than the original purchaser at substantially the same price.

3) Effective September 1, 1988, photographers, film makers, and other servicemen, are subject to Retailers' Occupation Tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. The tax on the photoprocessing component will apply regardless of whether the photographer performs the photoprocessing in-house, or engages a third-party photoprocessor. FOR PURPOSES OF THE TAX IMPOSED ON PHOTOGRAPHS, NEGATIVES AND POSITIVES BY THIS SECTION, PHOTOPROCESSING INCLUDES, BUT IS NOT LIMITED TO, DEVELOPING FILMS, POSITIVES AND NEGATIVES, TRANSPARENCIES, TINTING, COLORING, MAKING AND ENLARGING PRINTS. PHOTOPROCESSING DOES NOT INCLUDE PRODUCTS OF PHOTOPROCESSING PRODUCED FOR USE IN MOTION PICTURES FOR PUBLIC COMMERCIAL EXHIBITION, COLOR SEPARATION, TYPESETTING AND PLATEMAKING BY PHOTOGRAPHIC MEANS IN THE GRAPHIC ARTS INDUSTRY AND DOES NOT INCLUDE ANY PROCEDURE, PROCESS OR ACTIVITY CONNECTED WITH THE CREATION OF THE IMAGES ON THE FILM FROM WHICH THE NEGATIVES, POSITIVES OR PHOTOGRAPHS ARE DERIVED. THE CHARGE FOR IN-HOUSE PHOTOPROCESSING MAY NOT BE LESS THAN THE PHOTOPROCESSOR'S COST PRICE OF MATERIALS. IN TRANSACTIONS IN WHICH PRODUCTS OF PHOTOPROCESSING ARE SOLD IN CONJUNCTION WITH OTHER SERVICES, IF A CHARGE FOR THE PHOTOPROCESSING COMPONENT IS NOT SEPARATELY STATED, TAX IS IMPOSED ON 50% OF THE ENTIRE SELLING PRICE UNLESS THE SALE IS MADE BY A PROFESSIONAL PHOTOGRAPHER, IN WHICH CASE TAX SHALL BE IMPOSED ON 10% OF THE ENTIRE SELLING PRICE (Section 2 of the Act). The tax on photoprocessing may be paid when purchasing self-developing film, such as Polaroid, or film which includes photoprocessing charges in the purchase of the film.

A) EXAMPLE: The professional photographer receives an assignment to shoot a specified layout from an advertising agency. The photographer selects the location, hires the models, arranges for the make-up, rents the equipment and

shoots the scene. The photographer sends the undeveloped film to an outside photoprocessing laboratory for development. The photographer's bill for the sale of the photograph includes a charge for his artistic and other services and a separately-stated charge for the photoprocessing component which is either the charge made to him by the photoprocessing laboratory or such an amount plus his customary mark-up. The tax should only be applied to the photoprocessing component.

B) EXAMPLE: The same facts as above except the professional photographer does not separately state a charge for the photoprocessing component and bills his client a lump sum. A tax is collected on 10% of the lump sum price.

C) EXAMPLE: A portrait photographer photographs a family in his studio and develops the film in-house. The photographer's bill includes a sitting fee and a separately-stated charge for the product of photoprocessing. A tax is collected on the photoprocessing charge only.

D) EXAMPLE: A photographer develops exposed film and transfers negatives and prints to a consumer. Tax is collected on the entire bill.

c) Persons Engaged in the Graphic Arts--When Not Liable For Tax

1) ~~A photographer who is employed to take a picture for his customer, or a person who is employed to do photofinishing work for his customer, or a~~ A photostater who is employed to reproduce material for his customer by the photostating process, or a printer who is employed to print material for his customer in accordance with copy supplied to the printer by the customer or otherwise in accordance with the customer's specifications and special order, or a person who otherwise engages primarily in the transaction in furnishing graphic arts' services is not engaged in such transaction in the business of selling tangible personal property within the meaning of the Act, if the item so produced does not serve substantially the same function as stock or standard items of tangible personal property that are sold at retail, but is engaged in such transaction primarily in a service occupation.

2) To the extent to which any such person engages in a service occupation, he is not liable for Retailers' Occupation Tax on his receipts therefrom, including receipts from both labor and tangible personal property. For further illustrations, see Section 130.1995(b) of this Part.

3) If the tax exemption described in this Section would otherwise apply, the person supplying the printed item or other item that is produced through the graphic arts' processes to the user will not lose that exemption because of the fact that he farms the work of producing the item out to someone else.

d) Suppliers of Persons Engaged in the Graphic Arts--When Liable For Tax

1) When persons who are engaged in the business of selling tangible personal property sell any such tangible personal property, for use or consumption, to persons engaged in the graphic arts or related occupations, such vendors incur Retailers' Occupation Tax liability unless such purchases qualify for the graphic arts exemption (see Section 130.325). This class of sales includes, but is not limited to, sales of machinery, tools, equipment, office supplies and other tangible personal property which the purchasers retain and use or consume. This class of sales also includes sales of plates, film, pre-sensitized plates, alcohol, chemicals, etc., which are consumed by those engaged in the graphic arts or related occupations in the course of the performance of their work.

2) It is not material whether the plates, film, pre-sensitized plates, alcohol, chemicals, etc., are consumed in the course of producing, by the graphic arts' processes, items which have a commercial value, or whether the plates, film, pre-sensitized plates, alcohol, chemicals, etc., are consumed in producing, on special order, items of noncommercial value.

3) Likewise, this class of sales includes sales of film to photographers who use such film in producing negatives which remain the property of such photographers.

4) Furthermore, this class of sales includes sales of paper stock, ink, duplicating materials (stencil sheet masters, offset masters and spirit masters) and other tangible personal property to printers and other graphic arts' servicemen who incorporate such tangible personal property as ingredients into items which remain the property of such servicemen instead of being resold by them in some manner.

e) Suppliers of Persons Engaged in the Graphic Arts--When Not Liable For Tax

1) Persons who sell tangible personal property to persons who are engaged in the graphic arts or related occupations and who resell such property to others are not required to remit Retailers' Occupation Tax measured by their gross receipts from such

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sales. This class of sales includes sales of ink, paper stock, chemicals, developing paper, sensitized paper, bookbindings, metal, wood, glue, brads, staples, binding tape and other tangible personal property where such property is purchased by persons engaged in the graphic arts or related occupations and incorporated by them into printed matter, pictures or other tangible personal property which they sell.

2) It is not material whether the ink, paper, developing paper and other similar items are resold as ingredients of articles which have a commercial value or whether the ink, paper stock, developing paper and other similar items are resold as ingredients of articles which are produced on special order and which have no commercial value.

f) Liability Under the Service Occupation Tax

For information concerning the application of the Service Occupation Tax to purchases, by graphic arts' servicemen, of tangible personal property which they retransfer as an incident to rendering service, see the Service Occupation Tax ~~Regulations~~, 86 Ill. Adm. Code 140.

(Source: Amended at 14 Ill. Reg. 241, effective Dec. 21, 1989)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 140

3)

Section Numbers:	Adopted Action:
140.101	Amendment
140.105	Repealed, New Section
140.110	Repealer
140.115	Repealer
140.120	Amendment
140.125	Amendment
140.126	New Section
140.130	Repealer
140.135	Amendment
140.140	Amendment
140.145	Amendment
140.201	Amendment
140.301	Amendment
140.305	Amendment
140.401	Amendment
140.405	Amendment
140.410	Amendment
140.420	Amendment
140.425	Amendment
140.430	Amendment
140.501	Amendment
140.505	Repealer
140.1301	Repealer
140.1310	Repealer
140.1415	Amendment
140.1501	Amendment
140.1601	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 439.101 et seq.

5) Effective Date of Amendment(s): January 1, 1990

6) Does this rulemaking contain an automatic repeal date? ___Yes __X__No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 1, 1990

9) Notice of Proposal Published in Illinois Register:

June 30, 1989, 13 Ill. Reg. 10179
(issue date)

10) Has JCAR issued a Statement of Objections to these Rules?: No

11) Difference(s) between proposal and final version: Pursuant to the request of JCAR, the following changes were made:

1. Added the following text to Section 140.126(a): "(See 86 Ill. Adm. Code 130.310(b)(6))."

2. Adopted its rulemaking entitled "Retailers' Occupation Tax" (86 Ill. Adm. Code 130; 13 Ill. Reg. 8391, June 2, 1989) at the same time or prior to its adoption of this rulemaking.

3. Added "by his books and records" after "prove" in Section 140.301(b)(3).

4. Added the following text to Section 140.125(n): "or for use in state or federal agricultural programs".

5. Placed the text "defined in Major Group 27 of the United States Standard Industrial Classification Manual" in distinguishing type in Section 140.125(p) and added a statutory citation.

6. Placed the text of Section 140.125(h)(1), (h)(3), (h)(4), (h)(5) and (h)(6) in distinguishing type and added a statutory citation.

Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In required Question #3, specified Section 140.105 as "Repealed, New Section."

2. In main source note, showed this Part as being amended on June 6, 1989.

3. In Section 140.101(a), spelled out the title of the Act placing the shortened form in parentheses immediately thereafter and also gave the statutory citation.

4. In Section 140.101(b), line 6, changed "paragraph" to "subsection."

5. In Section 140.101(i), deleted the left hand parenthesis from the subsection label. In addition, moved the small table to the right 1 inch as if it were being labeled at the second level of subsection.

6. In Section 140.105, changed "Amended" in the Section source note to "Section repealed, new Section adopted."

7. In Section 140.125(h)(6), labeled paragraph.

8. In Section 140.125(o), immediately following the statutory language, added a reference to the Section and title of the Act from which the language was taken.

9. In Section 140.135, deleted the subsection label (a).

10. In Section 140.140 changed the asterisked sentence to read: "AGENCY NOTE: Items with asterisks (*) are subject to 1% rate only."

11. In Section 140.430, re-wrote the references to Part 130 as follows: "86 Ill. Adm. Code 130.525, 130.530, 130.545, and 130.560 are incorporated herein by reference..."

12. In Section 140.1601(d), line 9, capitalized the first letter of "act" in order to be consistent.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.140	Amendment	12/23/88, 12 Ill. Reg. 22116
140.145	Amendment	12/23/88, 12 Ill. Reg. 22116

15) Summary and Purpose of Rule(s): This proposed rulemaking implements the Service Occupation Tax aspects of tax reform. It changes the rate, base and collection of tax. It requires many small businesses to register and file returns with the Department rather than pay tax to their suppliers.

16) Information and questions regarding this adopted amendment shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 140
SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
140.101 Basis and Rate of the Service Occupation Tax
140.105 ~~Collection of Service Occupation Tax by Suppliers~~ Registration of Servicemen
140.110 Presumption that Tax Applies (Repealed)
140.115 Occasional Sales to Servicemen by Suppliers (Repealed)
140.120 Meaning of Serviceman
140.125 Examples of Nontaxability
140.126 Exemption of Food, Drugs and Medical Appliances
140.130 Suppliers of Printers (Repealed)
140.135 Sales of Drugs and Related Items, to or by Pharmacists
140.140 Other Examples of Taxable Transactions
140.145 Multi-Service Situations

SUBPART B: DEFINITIONS

Section
140.201 General Definitions

SUBPART C: BASE OF THE TAX

Section
140.301 Cost Price
140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section
140.401 Monthly Returns When Due -- Contents of Returns
140.405 Annual Tax Returns
140.410 Final Return
140.415 Taxpayer's Duty to Obtain Form
140.420 Annual Information Returns by ~~Suppliers~~ Servicemen
140.425 Filing of Returns for Serviceman "Suppliers" by their Suppliers Under Certain Circumstances
140.430 Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

Section
140.501 Sales of Service Involving Property Originating in Illinois

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140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001 Payment of Tax to the Supplier
140.1005 Receipt to be Obtained for Tax Payments
140.1010 Payment of Tax Directly to the Department
140.1015 Itemization of the Tax by Suppliers
140.1020 Use of Bracket Chart
140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201 When Lessee of Premises May File Return for Leased Department
140.1205 When Lessor of Premises Should File Return for Leased Department
140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)

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140.1305 When Purpose of Serviceman's Purchase is Unknown
140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401 Claims for Credit -- Limitations -- Procedures
140.1405 Disposition of Credit Memoranda by Holders Thereof
140.1410 Refunds
140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101-439.121 et seq.) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b30).

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990.

SUBPART A: NATURE OF TAX

Section 140.101 Basis and Rate of the Service Occupation Tax

a) The Service Occupation Tax Act (the Act), Ill. Rev. Stat. 1987, ch. 120, pars. 439.101-439.121 et seq., imposes a tax upon persons engaged in this State in the business of making sales of service. These

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persons are referred to hereinafter as servicemen.

b) The rate of the tax~~, prior to September 1, 1960, is 3 1/2%, and from September 1, 1960, through September 30, 1969, is 4 1/4%,~~ and after September 30, 1969, is 4%, and on and after January 1, 1984, and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman as an incident to a sale of service. Except as provided in subsection (g), on and after January 1, 1990, the rate of tax is 6.25% of the selling price of tangible personal property transferred by the serviceman.

c) ~~Effective~~ On and after January 1, 1984, and prior to January 1, 1990, food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, will be taxed at the rate of 0% ~~of the serviceman's cost price of such item transferred by the serviceman as an incident to a sale of service~~. On and after January 1, 1990, the rate of tax will be 1%. Food does not include soft drinks.

d) The date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman transfers as an incident to service.

e~~f~~) ~~Municipalities and counties may also adopt a Service Occupation Tax at a rate not to exceed 3/4 of 1% prior to October 1, 1969, and 1% commencing October 1, 1969, which tax is collectible by the Department.~~ *Effective January 1, 1990, for the purpose of determining the tax base, selling price shall in no event be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred incident to a sale of service may be stated as a distinct item by the serviceman to the service customer and the tax imposed by this act shall when collected be stated as a distinct item separate and apart from the selling price of the tangible personal property. If the selling price of each item of tangible personal property transferred incident to a sale of service is not stated as a separate item on the serviceman's billing to the service customer, then the tax imposed by this act shall be based on 50% of the serviceman's entire billing to the service cutomer* (Section 3 of the Act), but in no event shall this amount be less than the cost price to the serviceman of the tangible personal property so transferred.

e~~f~~) ~~The tax does not apply to the serviceman's receipts from engaging in his service occupation, but is based on his cost price of tangible personal property which he transfers as an incident to sales of service.~~ A serviceman making a sale of service in which the cost price of tangible personal property transferred as an incident to the sale of service is less than 35% of the total gross receipts from the transaction is not subject to Service Occupation Tax. However, the purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax and Use Tax and

should be paid by the serviceman to his supplier or self-assessed and paid to the Department. A serviceman may determine the 35% threshold as follows:

1) Transaction-by-transaction method. A service transaction means all sales of services set forth on a single invoice. For example, in a car repair transaction, several different services may be billed on one invoice. All such services shall be grouped and considered together to determine if the cost of goods is 35% or more of that total transaction amount.

Example:

	COST PRICE	SELLING PRICE	LABOR CHARGE	TOTAL SERVICE CHARGE
1. Replace exhaust, pipes, muffler, clamps	$ 60.00	$100.00	$ 50.00	$ 150.00
2. Fix Brakes:				
A) turn roters,			40.00	40.00
B) pads, master cylinder, fluid	150.00	250.00	80.00	330.00
3. Oil change, filter five quarts of oil	4.00	8.00	10.00	18.00
	$214.00	$358.00	$180.00	$538.00

Therefore, $214.00 cost of parts = 39% of the $538.00 total transaction amount. Service Occupation Tax (SOT) is due on the $358.00 selling price of the parts when that amount is separately stated on the bill apart from the $180.00 charge for labor. If the selling price of the parts is not specifically stated ($358.00) on the invoice, one-half of the total transaction amount ($538.00 divided by 2 = $269.00) is subject to SOT. (The cost price of the parts need not be stated on the customer's invoice, but is shown here for illustrative purposes only.) If the cost price of the parts was less than 35% of the total service charge, the serviceman would self-assess Use Tax on the purchase price ($214.00) of the parts if tax was not previously paid to the supplier. If tax was paid to the supplier, the serviceman is not required to collect tax as a specific item on the invoice to the customer. Retail sales subject to Retailers' Occupation Tax, such as "over-the-counter" sales of parts, must be excluded when determining the 35% threshold.

2) Annual aggregate method. A serviceman may elect to determine if he is under the 35% cost of materials to total transaction selling price ratio by examining the total annual aggregate cost of parts transferred in the course of providing service and the

total annual aggregate receipts from the sales of service, including sales of service in which no property is transferred. The cost of materials sold at retail or removed from inventory for use, or incorporated into repairs of real estate, must be excluded when determining the above percentage threshold. The annual aggregate method will be determined on the basis of the taxpayer's fiscal year. The taxpayer may elect to use either method to determine the cost of materials to total transaction selling price ratio.

g) *When a serviceman contracts to design, develop and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract.* (Section 3 of the Act).

h) Taxpayers who are registered may purchase all tangible personal property for retransfer by providing their suppliers with valid resale certificates even if in some transactions the cost price of the tangible personal property will be less than 35% of the total gross receipts from the transaction. If the serviceman paid tax to his supplier in the expectation that the cost of parts would be less than 35% of the total transaction selling price, but the actual percentage was more than 35%, the serviceman would be able to take credit for the tax paid to the supplier but would be liable for tax on the selling price of the parts, if stated, or on 50% of the total transaction selling price. The serviceman may also be liable for penalties due to a failure to file returns.

i) Examples:

	Cost	Selling Price	Gross Receipts	Tax Base
Not Separately Stated	$50.00	-0-	$62.50	$50.00 (Base is never less than cost price.)
Separately Stated	$12.00	$15.00	$25.00	$15.00 (Selling price)
Not Separately Stated	$12.00	-0-	$30.00	$15.00 (1/2 of gross receipts)
Separately Stated	$12.00	$10.00	$26.00	$12.00 (Cost/ selling price)
	$2.00	$5.00	$10.00	Not subject to Service

Occupation Tax. Subject to Retailers' Occupation or Use Tax--35% Rule $2.00)

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.105 ~~Collection of Service Occupation Tax by Suppliers~~ Registration of Servicemen

~~a) Although the legal incidence of the Service Occupation Tax is upon the serviceman, a "Supplier maintaining a place of business in this State" (as defined in Section 2 of the Service Occupation Tax Act, Ill. Rev. Stat. 1979, ch. 120, pars. 439.101 et seq., and in Subpart B of this Part), is required to collect the tax from the serviceman unless the serviceman provides the supplier with an exemption certificate as described in Subpart M of the Service Occupation Tax Regulations, in which case the serviceman becomes liable to account directly to the Department for the proper tax.~~

~~b) Suppliers of Tangible Personal Property Repairmen. It is the responsibility of suppliers of repair parts and repair materials to collect the Service Occupation Tax from tangible personal property repairmen to whom such suppliers make sales of such items, except that such a supplier is relieved from this tax collecting responsibility (with the accountability for the tax shifting to the purchaser) if the purchaser gives such supplier a proper exemption certificate in accordance with Subpart M of this Part, and except that no tax should be collected on a sale of repair parts or repair materials to a railroad which will dispose of such parts or materials on a nonprofit basis by installing them, as a repairman, in cars belonging to other railroads at interchange points in connection with the interchange of traffic.~~

Effective January 1, 1990, each serviceman is required to register with the Department and file returns, remitting the tax due less a discount of 1.75% or $5.00 per calendar year, whichever is greater, unless the tax obligation is satisfied under the provisions of Section 140.101(f) of this Part.

(Source: Section repealed, New Section adopted at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.110 Presumption that Tax Applies (Repealed)

~~In the absence of an exemption certificate, the fact that tangible personal property was sold by a supplier for delivery to a person residing in or engaged in business in this State is prima facie evidence that such tangible personal property was sold for the purpose of resale as an incident to a sale of service taxable under the Act.~~

(Source: Repealed at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.115 Occasional Sales to Servicemen by Suppliers (Repealed)

~~a) Since the Act imposes the tax upon persons who are engaged in the business of making sales of service, and since the suppliers of such persons are required to collect the tax, it follows that even a supplier who makes only isolated or occasional sales to such servicemen is required to collect the tax unless he receives an exemption certificate as described above.~~

~~b) It is the nature of the serviceman's business, and not the nature of the supplier's business, which determines whether or not the tax must be collected and paid.~~

(Source: Repealed at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.120 Meaning of Serviceman

Any person who sells tangible personal property as an incident to a sale of service is a serviceman who is engaged in the business of making sales of service within the meaning of the Act and upon whom a tax is imposed under the Act. Among other things, the term "serviceman" includes a person who repairs tangible personal property for users, except that this is not true when a railroad, on a nonprofit basis, repairs cars for another railroad at an interchange point in connection with the interchange of traffic. Such repair activities by one railroad for another at interchange points in connection with the interchange of traffic do not constitute a business of making sales of service within the meaning of the Service Occupation Tax Act. For sales of service in which the cost price of tangible personal property transferred is less than 35% of the gross selling price, see Section 140.101 of this Part.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.125 Examples of Nontaxability

The tax does not apply to:

a) ~~Purchases~~ Sales of intangible personal property;
b) ~~purchases~~ sales of real property;
c) ~~purchases~~ sales of personal services as such;
d) ~~purchases~~ sales of ~~services~~ tangible personal property which come within the protection of the Commerce Clause of the Constitution of the United States (see Subpart E of this Part);
e) purchases of tangible personal property where the serviceman gives a

valid exemption certificate to his supplier ~~(see Subpart M of this Part)~~;

f) the retail selling of tangible personal property which is taxable under the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1985~~7~~, ch. 120, pars. 440 et seq.) or the Use Tax Act (Ill. Rev. Stat. 1985~~7~~, ch. 120, pars. 439.1 et seq.);

g) a sale of tangible personal property for the purpose of resale apart from the purchaser's engaging in a service occupation;

h) ~~purchases of tangible personal property for retransfer as an incident to sales of service by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or by any not for profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older; and purchases by servicemen for retransfer as an incident to sales of service to exclusively charitable, religious or educational organizations or institutions, or to any not for profit organizations with no compensated officers and employees which are organized and operated primarily for the recreation of persons 55 years of age or older. However, effective July 1, 1987, purchases of tangible personal property for retransfer as an incident to sales of service to or by the above listed entities are taxable unless such entities have an active exemption identification number issued by the Department;~~ sales of tangible personal property as an incident to sales of service:

1) *to or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes* (Section 2 of the Act);

2) to or by any corporation, society, association, foundation or institution operated primarily for the recreation of persons aged 55 years or older which has no compensated officers or employees;

3) *to or by any governmental body* (Section 2 of the Act);

4) *by any corporation, society association, foundation or institution organized and operated as a not-for-profit service enterprise for the benefit of persons aged 65 years of age or older, only to the extent of purchases of personal property not purchased by the enterprise for the purpose of resale by the enterprise* (Section 2 of the Act);

5) *to a not-for-profit Illinois county fair association for use in conducting, operating or promoting the county fair* (Section 2 of the Act);

6) *to any not-for-profit music or dramatic arts organization which has received an exemption under Section 501(c)(3) of the Internal Revenue Code and which is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis* (Section 2 of the Act);

7) In order to qualify for exemption, all the above listed organizations must have been issued an active exemption identification number by the Department.

i) ~~purchases of tangible personal property for retransfer as an incident to sales of service to or by any governmental body. However, effective July 1, 1987, purchases of tangible personal property for retransfer as an incident to sales of service to or by any governmental body are taxable unless such governmental body has an active exemption identification number issued by the Department~~ the sale, employment and transfer of such tangible personal property as newsprint and ink for physical incorporation into newspapers or magazines;

j) ~~the purchase, employment and transfer of such tangible personal property as newsprint and ink for physical incorporation into newspapers or magazines~~ the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather than the carrying on of a service occupation;

k) ~~the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather than the carrying on of a service occupation~~ the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices;

l) ~~the purchase, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities~~ sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for farm animals;

m) ~~sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for farm animals~~ sales of sprays and farm chemicals as an incident to service by persons engaged in the service occupation of spraying crops or applying farm chemicals for others;

n) ~~purchases of sprays for retransfer as an incident to service by persons engaged in the service occupation of spraying crops for others~~ and sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture or for use in state or federal agricultural programs;

o) ~~purchases of either new or used farm machinery, equipment or replacement parts with an individual cost price to the serviceman of $1,000 or more for retransfer as an incident to a sale of service for use in production agriculture.~~

~~1) This exemption is phased in over a two year period, 50% of the proceeds of such a sale being exempt from September 1, 1988 through August 31, 1991, and 100% thereafter.~~

~~2) The provisions of Section 130.305, Retailers' Occupation Tax Regulations, are incorporated herein by reference and made a part~~

~~hereof insofar as such Section can be applied without conflict to comparable Service Occupation Tax situations. Except that the selling price of $1,000 referred to in the incorporated Regulation must be the serviceman's cost price in the incorporating Regulation and a serviceman paying tax to his suppliers rather than accounting for the tax himself would furnish an exemption certificate to his supplier and would obtain one from his customer.~~ *A sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges or similar items of no commercial value on special order for a particular purchaser, when the machinery or equipment is produced by the seller thereof for the manufacturer or the manufacturer's lessor on special order in such a way as to have made the applicable tax a service occupation tax or service use tax, rather than retailers' occupation tax or use tax.* (Section 2 of the Act). The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is not exempt;

p) a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or *defined in Major Group 27 of the U.S. Standard Industrial Classification Manual* (Section 2 of the Act);

q) sales of oil field exploration, drilling and production equipment and individual replacement parts costing the purchaser $250 or more;

r) sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment and repair parts costing the purchaser $250 or more;

s) *a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce* (Section 2 of the Act);

t) *a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce* (Section 2 of the Act);

u) *the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which*

machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale (Section 2 of the Act);

v) sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools; or

w) sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry or mounted for wear as jewelry qualify for this exemption.

x) Sales of modified or custom software are exempt. Sales of canned software in a service transaction would be subject to tax. Computer software means all types of software including operational, applicational, utilities, compilers, templates, shells and all other forms. Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. The sale at retail or transfer of canned software intended for general or repeated use is taxable, including the sale of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates and maintenance of software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of software.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.126 Exemption of Food, Drugs and Medical Appliances

a) Food for human consumption which is sold or transferred by a serviceman as an incident to a sale of service is subject to the high rate of tax (6.25%) if it is prepared for immediate consumption or is sold for consumption on the premises of the sale. Food which is not prepared by the serviceman for immediate consumption or not sold for consumption on the premises of the sale and which is transferred as an incident to a sale of service is subject to the low rate (1%) of tax. (see 86 Ill. Adm. Code 130.310(b)(6)).

b) Prescription and non-prescription drugs and medical appliances are subject to the low rate (1%) of tax.

c) If property is purchased at retail from an unregistered out-of-State retailer, Use Tax must be self-assessed and paid directly to the Department. The rate is 6.25% for general merchandise and 1% for food, drugs and medical appliances. (See Part 150, Use Tax.) Similarly, if a serviceman is below the 35% threshold and, therefore,

pays tax to his suppler (see 140.010, Service Occupation Tax), he must nevertheless self-assess and remit tax directly to the Department when purchasing from suppliers who do not charge Illinois tax. This would be the case, for example, when purchases were made from out-of-State suppliers not registered to collect Illinois tax.

1) Example: A doctor purchases tongue depressors from an out-of-State supplier who does not collect Illinois tax. Since these are not medical applicances transferred to the patients, but rather are supplies used by the doctor, they are subject to the 6.25% rate which must be self-assessed. The same would be true if the items were purchased from an Illinois retailer who did not charge tax for some reason.

2) Example: A dentist purchases gold for dental fillings. If he is above the 35% threshold, he should purchase the gold with a resale certificate and pay tax on his selling price at a 1% rate (see 140.101, Service Occupation Tax). If he is below the 35% threshold, he should pay tax to his supplier or self-assess and pay tax to the Department at the 1% rate based upon his purchase price.

3) Example: An optometrist makes sales of prescription glasses and non-prescription sunglasses. The sales of the non-prescription sunglasses are retail sales subject to the 6.25% rate on the selling price. The prescription eyeglasses are medical appliances subject to the 1% rate. If the optometrist purchased the lenses from an optical lab which ground the lenses to his special order prescription, a multi-service situation would exist, see 140.145, Service Occupation Tax. The proper tax base would either be the optometrist's stated selling price of the completed set of eyeglasses or, if the optometrist is below the 35% threshold, the cost price to the optometrist of the lenses and frames.

(Source: Added at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.130 Suppliers of Printers (Repealed)

~~a) Where a supplier sells paper and ink to a printer who incorporates the paper and ink into special printed matter which he sells to Illinois users, the supplier is required to collect the Service Occupation Tax. If the printer gives the supplier a valid certificate of exemption, but then incorporates the paper and ink into special printed matter which he sells to Illinois users, he is required to pay the tax directly to the Department;~~

~~b) where a supplier sells paper and ink to a newspaper or magazine printer for incorporation into a newspaper or magazine, the supplier is not required to collect any such tax; nor is the newspaper or magazine printer required to pay any such tax to the Department;~~

~~c) where a supplier sells paper and ink to a printer for incorporation into books or other items which the printer will bill to his customer for resale, the tax does not apply and the supplier may accept a certificate of exemption to that effect;~~

~~d) where a supplier sells paper and ink to a printer who incorporates the paper and ink into special printed matter which he ships or delivers to a destination outside Illinois, the tax does not apply. (See Subpart B and Subpart M of this Part.)~~

(Source: Repealed at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.135 Sales of Drugs and Related Items, to or by Pharmacists

a) Pharmacists incur Service Occupation Tax liability on the cost selling price of the pharmaceutical products, containers and other tangible personal property which they transfer as an incident to rendering service in filling prescriptions. The rate of tax is 1%. ~~There are several methods for the payment of the tax which the pharmacist can select in complying with the Service Occupation Tax Act.~~

~~1) Method No. 1: The pharmacist can direct the supplier to charge the Service Occupation Tax on all purchases of "Rx legend items" sold to his pharmacy. On the purchases of "non-Rx legend items", the pharmacist can deliver to the supplier a certificate to the effect that he will assume the responsibility for the payment of the Service Occupation Tax on the cost of all non-Rx legend items dispensed on prescription. At the end of each return period, the pharmacist shall deduct all receipts from prescriptions from the gross receipts of the pharmacy for Retailers' Occupation Tax purposes. On the non-Rx legend prescriptions, the pharmacist shall calculate the cost of the items used in the prescriptions and pay the Service Occupation Tax on the total of the cost of such items used in such prescriptions.~~

~~2) Method No. 2: If the pharmacist prefers to pay all of the Service Occupation Tax himself, then he can deliver to the supplier a certificate to the effect that he will assume the responsibility for the payment of the Service Occupation Tax on the cost of all items (Rx legend and non-Rx legend) dispensed on prescriptions. In using this Method No. 2, the pharmacist can calculate the actual cost of the items (Rx legend and non-Rx legend) used in filling prescriptions, new or refill, and pay the Service Occupation Tax (plus the local Service Occupation Tax if adopted) on his total cost of the items dispensed on prescriptions.~~

~~3) Method No. 3: This method is a modification of Method No. 2. If the pharmacist prefers to pay all of the Service Occupation Tax himself, but does not wish to calculate the actual cost of the items used in filling prescriptions, he can deliver to the supplier a certificate to the effect that he will assume the~~

~~responsibility for the payment of the Service Occupation Tax on the cost of all items (Rx legend and non-Rx legend) dispensed on prescriptions, the same as in Method No. 2. However, in calculating the cost of the items under this Method No. 3, the pharmacist can estimate the cost of the items (Rx legend and non-Rx legend) used in filling prescriptions, new and refill, as being 50% of the receipts from these prescriptions, and such 50% estimate will be accepted by the Department of Revenue, in lieu of the calculation of the actual cost of these items. Under this method, the pharmacist will pay the Service Occupation Tax (plus the local Service Occupation Tax if adopted) on 50% of his total receipts from prescription sales.~~

~~4) Method No. 4: If the pharmacist desires not to use Methods No. 1 or No. 2, and believes the percentage in Method No. 3 is too high, he is permitted by the Department of Revenue to do the following: First, he must keep an actual cost record of each prescription filled for a 60 day period. Then, from that, he can obtain the percentage cost of his sales of prescriptions. He can use this percentage determination for a 12 month period, at which time he must make a similar recomputation of the percentage in order to determine whether or not it needs to be changed for the ensuing year. Further, he must keep these records for determining the percentage for the period during which the Department is authorized to issue a Notice of Tax Liability (see Subpart G of this Part). In employing this method, the pharmacist will then proceed as in Method No. 3, except that instead of using the 50% of receipts presumption on prescriptions, he will use the percentage obtained by his own calculations.~~

~~b) All four methods are subject to audit by the Department.~~

~~c) In any certification which the pharmacist gives to his supplier, he must include his Retailers' Occupation Tax registration number with the Department.~~

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.140 Other Examples of Taxable Transactions

a) ~~Purchases~~ Sales of metal, wood, rubber and other ingredients by special tool, die, pattern and machinery producers who incorporate them into such products in such a manner as to be exempt from the Retailers' Occupation Tax Act, if the products are produced for users and delivered in Illinois (see 140.101(g), Service Occupation Tax);

b) ~~purchases~~ sales of bandages*, medicines*, drugs* and other tangible personal property by doctors ~~for retransfer~~ to patients as an incident to the furnishing of professional services in Illinois;

c) ~~purchases~~ sales of medicines*, drugs*, dentures*, materials for fillings and other tangible personal property by dentists ~~for~~ ~~retransfer~~ to patients as an incident to the furnishing of professional services in Illinois;

d) ~~purchases~~ sales of arch supports*, trusses*, braces*, etc., by chiropodists, osteopaths and chiropractors ~~for retransfer~~ as an incident to the furnishing of licensed services in Illinois;

e) ~~purchases~~ sales of collar supports, coat hangers, suit bags, paper, string, shirtboards, and other tangible personal property by laundries and dry cleaners ~~for retransfer~~ as an incident to the furnishing of laundering and cleaning services in Illinois;

f) ~~purchases~~ sales of paper bags, wrapping paper, string and other tangible personal property ~~for the purpose of retransfer~~ as an incident to the furnishing of wrapping services in Illinois;

g) ~~purchases~~ sales of hair tonic and oil, pomades, powders, dyes, lotions, creams and other similar tangible personal property by barbers and beauticians ~~for retransfer~~ as an incident to the furnishing of services in Illinois in such a way that the property remains on the person of the customer of the barber or beautician;

h) ~~purchases~~ sales of eyeglasses* and frames* by optometrists and oculists ~~for retransfer~~ to customers as an incident to the furnishing of licensed services in Illinois~~, or purchases of the materials which become a part of, or are otherwise retransferred in connection with, such eyeglasses and frames where the optometrist or oculist is also the producer of such eyeglasses or frames~~; however, when the optometrist or oculist purchases the eyeglasses or frames in finished form from an optician, so that the optometrist or oculist has subcontracted a portion of his service work to the optician thus giving rise to a multi-service situation, see Section 140.145 of this Subpart;

i) ~~purchases~~ sales of ~~sensitized paper, mounts and frames by photographers,~~ book binding by bookbinders and other tangible personal property by graphic arts servicemen ~~for retransfer~~ in Illinois as an incident to the furnishing of services;

j) ~~purchases~~ sales of paint, wax, undercoating, oil, grease, filters, parts and other similar tangible personal property ~~for retransfer~~ by automobile servicemen or other servicemen as an incident to the furnishing of services in Illinois;

k) ~~purchases~~ sales of wax and shoe polish by shoe shiners ~~for retransfer~~ as an incident to the furnishing of shoe shining services;

l) ~~purchases~~ sales of repair parts, repair materials and other tangible personal property by persons who repair, remodel or recondition tangible personal property for others, ~~for retransfer by such persons~~ as an incident to their furnishing of service to their customers; however, such purchases of repair parts and repair materials are not taxable when made by a railroad which will dispose of such parts or materials on a nonprofit basis by installing them, as a repairman, in cars belonging to another railroad at interchange points in connection with the interchange of traffic;

m) ~~purchases~~ sales of food, medicine* and other tangible personal property by business-operated hospitals and sanitaria or by licensed

business-operated nursing homes ~~for--retransfer~~ as an incident to rendering hospital or nursing service in Illinois to patients;

n) purchases transfers of prizes by theaters ~~for--retransfer~~ as an incident to service;

o) purchases transfers of embalming fluid by funeral directors ~~for retransfer~~ as an incident to their providing of an embalming service to others;

p) purchases transfers of dye ~~for-retransfer~~ as an incident to rendering service by persons engaged in the service occupation of dyeing clothing for users;

q) purchases sales of tangible personal property by sign makers ~~for retransfer~~ as an incident to rendering service in the production of signs which are special enough to be exempt from the Retailers' Occupation Tax under Section 130.2155 of the Retailers' Occupation Tax Regulations~~,~~ (86 Ill. Adm. Code 130);

r) purchases sales made by servicemen ~~for-retransfer~~ as an incident to sales of service to national banks or State-chartered banks or to Federal or State savings and loan associations, and ~~(since--March--17,--1965)~~--purchases sales made by State-chartered banks or Federal and State savings and loan associations ~~for--retransfer--by--them~~ as an incident to sales of service. ~~Effective-February-1,-1970,-purchases~~ Sales by national banks ~~for-retransfer-by-them~~ as an incident to sales of service are also subject to Service Occupation Tax~~,--provided--that such--tax--does-not-apply-to-property-which-is-the-subject-matter-of-a written-contract-of-purchase-entered-into-by-a-national-bank-prior--to September-1,-1969.~~

s) The foregoing examples are illustrative, but not exhaustive.

AGENCY NOTE: Items with asterisks (*) are subject to 1% rate only.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.145 Multi-Service Situations

~~a) If-a-primary-serviceman-(such-as-an--advertising--agency,--or--special order--printing--broker,--or--optometrist--or--oculist,-or-druggist-or camera-shop-handling-photofinishing-orders-for-customers,-or-a-special order-diemaker)-farms-or-jobs-out-all-or-a--portion--of--the--work--to other---servicemen---(such---as--printers,--lithographers,--opticians, photofinishers,-special-order-diemakers,-etc.),-the-Service-Occupation Tax-liability-will-be-determined--in--accordance--with--the--following provisions--in--the--statute: "When-a-serviceman-contracts-out-part-or all-of-the-services-required-in-his--sale--of--service,--it--shall--be presumed--that--the--cost--price--to--the--serviceman--of-the-property transferred-to-him-by--his--subcontractor--is--equal--to--50%--of--the subcontractor's--charges--to-the-serviceman-in-the-absence-of-proof-of the-consideration-paid-by-the-subcontractor-for-the-purchase--of--such property,--or-in-the-absence-of-proof-that-the-tax-imposed-by-this-Act~~

~~was-paid-by-his-subcontractor-(in-which-latter-event-there-shall-be-no further-liability-in-the-transaction-under-this-Act).-" (Section-2--of the-Service-Use-Tax-Act.)~~

~~b) Proof-that-the-subcontractor-serviceman-has-already-paid--the--tax--to suppliers,--or-that-he-has-paid-or-will-pay-the-tax-to-the-Department, thus-relieving-the-primary-serviceman-(the-one-dealing-with-the--user) of--further--liability--in--the--transaction,--may--be-provided-by-the subcontractor-serviceman-to-the-primary-serviceman-in-the--form--of--a certification-to-the-effect-that-the-subcontractor-serviceman-has-paid the--tax--to--his--supplier--or-suppliers-on-his-cost-price-of-all-the tangible-personal-property-that-is-being-transferred-as-an-incident-to a---sale---of---service---in---the---transaction,----or----that----the subcontractor-serviceman--has--paid--or--will-pay-the-tax-on-such-cost price-directly-to-the-Department.--If-such-certification--states--that the---subcontractor-serviceman--has--paid--or--will--pay--the--Service Occupation-Tax-to-the-Department,-the-certification-must--include--the subcontractor-serviceman's-registration-number-with-the-Department.~~

~~c) If-the-certification-states-that-the-subcontractor-serviceman-has-paid the-tax-to-one-or-more-suppliers,-the-certification-must--contain--the name--or--names--and--the--address--or--addresses--of-such-supplier-or suppliers.----Such----certification----shall----also----include----the subcontractor-serviceman's--registration-number-with-the-Department-or a-statement-that-the-subcontractor-serviceman-is-not--registered--with the-Department-if-that-is-the-fact.~~

~~d) In---the----absence----of----such----a----certification----from----the subcontractor-serviceman--to--the--primary-serviceman-(the-one-dealing with-the-user),-the-primary--serviceman--is--liable--for--the--tax--in accordance--with--the--above-quoted--paragraph--from-the-statute.--His liability-is-based-on-his-cost-price-of-the-tangible-personal-property which-he-purchases-and-retransfers-as-an--incident--to--service.---His cost--price--will--be--what--the-subcontractor-serviceman-paid-for-the tangible-personal-property-which-he-purchased-and-retransferred-as--an incident---to--service--to--the--primary--serviceman--if--the--primary serviceman---has---proof---in---his---records---as---to----what----the subcontractor-serviceman's---cost---price--of--the--tangible--personal property-was.--In-the-absence-of-that-proof,-the-primary--serviceman's cost---price---or--tax--base--will--be--presumed--to--be--50%--of--the subcontractor-serviceman's-charges-to-the-primary--serviceman--in--the transaction.~~

~~e) If-the-subcontractor-serviceman-does-not-give-the--primary--serviceman a--certification-showing-that-the-subcontractor-serviceman-has-paid-or will-pay-the-Service-Occupation-Tax-to--the--Department--on--his--cost price--of-the-tangible-personal-property-that-he-is-transferring-as-an incident-to-service-in-the--transaction,--or--that--he--has--paid--the Service-----Occupation----Tax----to----enumerated----suppliers,----the subcontractor-serviceman-(being-the-primary-serviceman's-supplier)--is required--to--collect--the--Service--Occupation--Tax--from-the-primary serviceman-and-to-remit-such-tax--to--the--Department.---However,--the subcontractor's-failure-to-collect-the-Service-Occupation-Tax-from-the~~

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~~primary--serviceman--in--this--situation--does-not-relieve-the-primary serviceman-of-a-direct-liability-for-Service--Occupation--Tax--to--the Department;--because--he-is-relieved-of-that-obligation-only-if-he-can prove-that-he-paid-the-Service--Occupation--Tax--to--his--supplier--or suppliers---(including---subcontractor-serviceman--suppliers);--or--by obtaining-a-certification-from--the--subcontractor-serviceman--to--the effect--that--he--has--paid--the--Service-Occupation-Tax-to-enumerated suppliers-or-that-he-has-paid-or-will-pay-the-Service--Occupation--Tax to-the-Department.~~

If a primary serviceman purchases tangible personal property from a secondary serviceman, the primary serviceman shall determine his cost price either by using the selling price of tangible personal property set forth on the invoice from the secondary serviceman or, if no selling price is separately stated, 50% of the total invoice including labor and service charges.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART B: DEFINITIONS

Section 140.201 General Definitions

a) "Cost Price" means all the consideration actually received by the supplier and paid by the serviceman, whether such consideration be paid in money or otherwise, including cash, credits or services.
b) "Department" means the Department of Revenue.
c) "Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, and any receiver, executor, trustee, conservator or other representative appointed by order of any court.
d) "Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act, (Ill. Rev. Stat. 1985, ch. 120, par. 440).
e) "Sale of Service" means any transaction except:
 1) *a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act* (Section 2 of the Act);
 2) *a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act* (Section 2 of the Act);
 3) *a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or for or by any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. However, effective July 1, 1987, this exception will not apply unless the entities noted above have an active exemption identification number issued by the Department* (Section 2 of the Act);
 4) *effective September 1, 1968, a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce* or (Section 2 of the Act);
 5) *a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce* (Section 2 of the Act);
 6) *the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale or* (Section 2 of the Act);
 7) *a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges or other similar items of no commercial value on special order for a particular purchaser, when the machinery or equipment is produced by the seller thereof for the manufacturer or the manufacturer's lessor on special order in such a way as to have made the applicable tax a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax* (Section 2 of the Act).
f) "Serviceman" means any person who is engaged in the occupation of making sales of service.
g) "Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.
h) ~~For-a-definition-of-"Supplier-maintaining-a-place-of-business-in--this State",--see--Section--140.505-of-this-Part.~~ "Selling price" means the price set by the serviceman for the tangible personal property transferred in a service transaction. It includes all the consideration actually received by the serviceman for such property including cash, credits or services, whether paid in money or otherwise. In no event shall the selling price be less than the cost

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price.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART C: BASE OF THE TAX

Section 140.301 Cost Price

a) "Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier; but does not include charges which are added to prices by suppliers on account of the purchaser's tax liability under this Act or the Service Use Tax Act (Ill. Rev. Stat. 1979, ch. 120, pars. 439.31 et seq.) ~~or under the Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1979, ch. 24, par. 8-11-5) or under the County Service Occupation Tax Act (Ill. Rev. Stat. 1979, ch. 34, par. 409.2), or on account of the supplier's duty to collect such taxes from the serviceman~~. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property~~, or in the absence of proof that the tax imposed by this Act was paid by his subcontractor (in which latter event there shall be no further liability in the transaction under this Act)~~.

~~b) Installment payments made by servicemen are not included in the cost price until actually received by the supplier. If a supplier (or a serviceman who is discharging his own Service Occupation Tax liability) desires to file returns on a gross cost price billing basis, he shall notify the Department, in writing, of his intention to do so.~~

~~c) For information concerning the procedure by which suppliers may avoid paying tax on State and local Service Occupation Tax collected by them from servicemen, see Subpart B of this Part.~~

bd) The following listing indicates the Department's interpretation as to whether certain items may or may not be deducted in the computation of the cost price paid by a serviceman to his supplier.

1) Transportation and Delivery Charges

A) Transportation and delivery charges are considered to be freight, express, mail, truck or other carrier, conveyance or delivery expenses.

B) Where the supplier and the serviceman contract for the delivery of the tangible personal property to the serviceman for a lump sum charge, including transportation or delivery charges and a charge for the property itself, the entire amount constitutes the cost price ~~upon which the serviceman incurs Service Occupation Tax liability~~.

C) If the supplier and the serviceman contract separately for such transportation or delivery charges, by not including them in a lump sum with the amount for the property itself, such transportation or delivery charges are not a part of the cost price ~~on which the serviceman incurs Service Occupation Tax liability~~. Incoming freight or other delivery expense incurred by the supplier in acquiring the property for sale may not be deducted from the cost price charged by the supplier to the serviceman even if this type of delivery expense ~~should be~~ is priced and billed separately by the supplier to the serviceman.

2) Finance or Interest Charges -- Penalties -- Discounts

A) Where any tangible personal property is sold by a supplier to a serviceman under an installment contract, the interest or finance charges on account of credit so extended are not considered to be a part of the cost price ~~in computing Service Occupation Tax liability~~. The books and records of suppliers must clearly reflect such finance or interest charges. In the absence of an adequate showing of what such charges actually are, the Department will presume that such charges are not in excess of like charges which are customarily made in connection with similar installment sales.

B) If a "penalty" is added to the base cost price in the event that the serviceman does not pay such price within a specified time and if such penalty is paid to the supplier, such "penalty" is considered to be a part of the ~~taxable~~ cost price.

BC) If a discount is allowed for a payment in cash within a stated period of time, any amounts realized by suppliers through failure of a serviceman to take advantage of such a discount will be considered to be a part of the ~~taxable~~ cost price. Conversely, if the supplier allows the serviceman a discount from the base cost price (such as a discount for prompt payment) and the serviceman avails himself of the discount so that the supplier does not receive any receipts from that source, the amount of such discount is not a part of the ~~taxable~~ cost price.

3) Maintenance Agreements. If a serviceman enters into an agreement to provide repair service for a particular machine for a stated period for a predetermined fee which does not separately state the selling price of parts to be transferred, the tax base shall be 50% of the entire contract amount, unless the serviceman can prove by his books and records that the cost of the parts actually transferred was less than 35% of the contract amount.

(Source: Amended at 14 Ill. Reg. 262, effective

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Section 140.305 Refunds by ~~Supplier or~~ Serviceman

~~a) Where a supplier collects the Service Occupation Tax with respect to the cost price of tangible personal property which he sells, and where the serviceman thereafter returns such property and the supplier refunds the cost price to the serviceman, the supplier shall also refund to the serviceman the tax previously collected from the serviceman. Any supplier may deduct from his cost prices, for the return period, any refunds made by him during the preceding return period to servicemen on account of tangible personal property returned to the supplier if the supplier has theretofore included the cost price of such tangible personal property in a return made by him and if he has paid the Service Occupation Tax applicable thereto to the Department. Alternatively, the supplier may deduct the amounts of such refunds from any Service Use Tax, Retailers' Occupation Tax or Use Tax payable to the Department for that return period on the applicable return.~~

~~b) If the supplier has not already remitted the amount of such tax to the Department, he may not take such a deduction upon such returns.~~

c) Where a serviceman has made a sale of service and has paid the applicable Service Occupation Tax ~~directly~~ to the Department, and then subsequently refunds to his customer the amount paid by the customer for the service and where such refund is the result of the return of tangible personal property previously transferred to the customer as an incident to that sale of service, the serviceman may take ~~credit in the same manner as is described in paragraphs (a) and (b) of this Section~~ a deduction for the returned merchandise on his monthly return.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART D: TAX RETURNS

Section 140.401 Monthly Returns When Due -- Contents of Returns

a) Except as provided in Section 140.405 of this Subpart, on or before the last day of each calendar month, every ~~supplier or~~ serviceman registered with the Department is required to file a return with the Department covering the preceding month, stating the name of the person filing the return, his residence address, the address of his principal place of business and the address of his principal place of business in this State (if that is a different address) and each address from which he engages in said taxable business as a ~~supplier or a~~ serviceman. Where the ~~supplier or~~ serviceman has more than one business registered with the Department under separate registrations, such ~~supplier or~~ serviceman shall file separate returns for each such separately registered business.

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b) Information Required in Taxpayer's Return
A taxpayer's return shall disclose the following:
1) total ~~taxable cost prices~~ tax base for the return period;
2) the amount of tax due;
3) the total of the tax and penalty;
4) such other information as the Department may require on the tax form.

~~c) Determination of Tax Collected by Supplier~~

~~1) The cost price, on the basis of which the supplier collects the Service Occupation Tax from the serviceman, does not include charges which are added to prices on account of the Service Occupation Tax or on account of the Municipal or County Service Occupation Tax. If a supplier does not keep detailed records for the return period of the Service Occupation Tax which he has collected during the return period so as to segregate these added charges from other receipts, it will, in general, be assumed that the tax collected from the serviceman equals the Service Occupation Tax payable to the Department by the supplier on such transactions, if the supplier collects the Service Occupation Tax in accordance with the bracket schedule prescribed by the Department in Subpart J of this Part and if the supplier states such tax separately from the cost price of the tangible personal property sold, as he is required to do.~~

~~2) The supplier may determine, by means of his books and records, the amount of Service Occupation Tax collected.~~

~~3) If the supplier does not maintain a separate record of the Service Occupation Tax collected, but mixes it with cost prices received, he may use the following method to determine the amount of Service Occupation Tax which he has collected during the period covered by his return:~~

~~A) Where the 4 1/4% Service Occupation Tax applies because of the sale being made between September 1, 1968, and September 30, 1969: He may divide 104 1/4 into the total combined amounts of his cost prices and Service Tax received, he may then multiply the result by 4 1/4 in order to arrive at the amount of the tax collected.~~

~~B) Where the 4% Service Occupation Tax applies because of the sale being made on or after October 1, 1969: He may divide 104 into the total combined amounts of his cost prices and Service Tax received, he may then multiply the result by 4 in order to arrive at the amount of the tax collected.~~

~~C) Where the 1/2% local Service Occupation Tax also applies and the sale occurs on or after October 1, 1969, making a total applicable tax of 4 1/2%, he may divide 104 1/2 into the total combined amount of his cost prices and Service Tax received, he may then multiply the result by 4 1/2 in order to arrive at the amount of the tax collected.~~

~~D) Where the 3/4% local Service Occupation Tax also applies and the sale occurs on or after October 1, 1969, making a total~~

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~~applicable--tax--of--4-3/4%,--he-may-divide-104-3/4-into-the total-combined-amount-of-his-cost--prices--and--Service--Tax received,--he-may-then-multiply-the-result-by-4-3/4-in-order to-arrive-at-the-amount-of-the-tax-collected.~~

~~E) Where-the-1%-local-Service-Occupation-Tax-also--applies--and the--sale-occurs-on-or-after-October-1,-1969,-making-a-total applicable-tax-of-5%,-he--may--divide--105--into--the--total combined-amount-of-his-cost-prices-and-Service-Tax-received, he--may--then-multiply-the-result-by-5-in-order-to-arrive-at the-amount-of-the-tax-collected.~~

~~d~~c) ~~2%~~ 1.75% Allowance to ~~Supplier~~ Serviceman for Collecting State Tax
After entering his State Service Occupation Tax liability on the return, the ~~supplier~~ serviceman may then deduct ~~2~~ 1.75% of such liability as compensation for acting as a collector of the tax~~, but no such discount or deduction may be taken by the supplier against the Municipal or County Service Occupation Tax which he reports on his return to the Department~~. The minimum discount, over the entire period of any given calendar year, for any single ~~supplier~~ serviceman (if such ~~supplier~~ serviceman has that much tax to remit) shall be $5.00 for such calendar year. This allowance against the State tax is available only when the tax is remitted with a return which is filed when due under the Act; it is not available in any case in which the tax is paid late ~~or the return is filed late. A serviceman who pays the tax directly to the Department is not allowed to deduct any amount as a collection allowance. The supplier should remit to the State the balance of the tax due after having deducted the collection allowance.~~

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.405 Annual Tax Returns

a) If the ~~supplier's or~~ serviceman's average monthly tax liability to the Department does not exceed ~~$100.00~~ $200.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

b) If the ~~supplier's or~~ serviceman's average monthly tax liability to the Department does not exceed ~~$20.00~~ $50.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

c) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at 14 Ill. Reg. 262, effective

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Section 140.410 Final Return

Notwithstanding any other provision in the Act concerning the time within which a ~~supplier or~~ serviceman may file his return, in the case of any ~~supplier--or~~ serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under the Act, such ~~supplier or~~ serviceman shall file a final return under the Act with the Department not more than one month after discontinuing such business.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.420 Annual Information Returns by ~~Suppliers~~ Servicemen

a) In addition to any other return required by the Act, each ~~supplier~~ serviceman shall annually file an information return covering the preceding calendar year (or fiscal year if the ~~supplier~~ serviceman files his Federal income tax returns on the basis of a fiscal year). Such annual return shall be filed with the Department on a form prescribed by the Department not more than 30 days after the date set for the filing of such ~~supplier's~~ serviceman's Federal income tax return. Such annual return to the Department shall include a statement of gross receipts as shown by the ~~supplier's~~ serviceman's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the ~~supplier~~ serviceman shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The ~~supplier's~~ serviceman's annual return to the Department shall also disclose the cost of goods sold by the ~~supplier~~ serviceman during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the ~~supplier~~ serviceman during such year, payroll information of the ~~supplier's~~ serviceman's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such ~~supplier~~ serviceman as hereinbefore provided for in this ~~Regulation~~ Section.

~~b) The foregoing portion of this Regulation concerning the filing of an annual information return shall not apply to a supplier who certifies on such annual information return that such supplier is authorized to do business and is actually doing business in 2 or more states, if that certification is true.~~

c~~b~~) The foregoing portion of this ~~Regulation~~ Section concerning the filing of an annual information return also does not apply to a ~~supplier~~ serviceman who is not required to file an income tax return with the United States Government.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.425 Filing of Returns for Serviceman ~~"Suppliers"~~ by their Suppliers Under Certain Circumstances

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold ~~to~~ by numerous servicemen in Illinois ~~by numerous suppliers~~, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under the Act with respect to such sales, if the ~~suppliers~~ servicemen who are affected do not make written objection to the Department to this arrangement and provided that such arrangement in any given case is acceptable to the Department.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.430 Incorporation by Reference

~~Sections~~ 86 Ill. Adm. Code 130.525, 130.530, 130.535, 130.545 and 130.560 ~~of Subpart B of the Retailers' Occupation Tax Regulations, (86 Ill. Adm. Code 130),~~ are incorporated herein by reference and made a part hereof insofar as such Sections can be applied, without conflict, to comparable Service Occupation Tax situations.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART E: INTERSTATE COMMERCE

Section 140.501 Sales of Service Involving Property Originating in Illinois

a) Where tangible personal property is located in this State at the time of its transfer (or is subsequently produced in Illinois) as an incident to a sale of service, and is then delivered in Illinois, the serviceman incurs Service Occupation Tax liability on the ~~cost~~ selling price of the property. The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of such property in this State. This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce. The place at which the contract of sale of the service or contract to sell the service is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. Except as is set out at Section 140.501(d) of this Part, it also makes no difference that the purchaser is a carrier when that happens to be the case.

b) The serviceman does not incur Service Occupation Tax liability on property which he resells as an incident to a sale of service under an agreement by which the serviceman is obligated to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made. Nor does the tax apply to property which the serviceman resells as an incident to a sale of service under an agreement by which the serviceman, by carrier (when the carrier is not also the purchaser) or by mail, delivers the property from a point in this State to a point outside this State, not to be returned to a point within this State. The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale of the service or contract to sell the service is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of service of the type described in this paragraph are deemed to be within the protection of the Commerce Clause of the Constitution of the United States. ~~Furthermore, a supplier incurs no obligation to collect any Service Occupation Tax from a serviceman to whom he delivers tangible personal property out of State within the meaning of this Regulation.~~

c) To establish that the ~~cost~~ selling price of property sold as an incident to any given sale of service is exempt because the property is delivered by the serviceman from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the serviceman will be required to retain in his records, to support deductions taken on his tax returns, proof which satisfies the Department that there was such an agreement and a bona fide delivery, outside this State, of the property involved in the sale of service. The most acceptable proof of this fact will be:

1) If shipped by a common carrier: A waybill or bill of lading requiring delivery outside this State;
2) if sent by mail: An authorized receipt from the United States Post Office Department, for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of such mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;
3) if sent by the serviceman's own transportation equipment: A trip sheet signed by the person making delivery for the serviceman and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his representative, showing the name and address of the serviceman, the name and address of the purchaser and the time and place of such delivery outside Illinois by the serviceman, together with other supporting data as required by Section 140.701(c) of this Part and by Section 11

of the Act.

d) Effective September 17, 1982, there are two exceptions to the rule that the tax is applicable where the service customer receives physical possession of the property in Illinois.

1) *The serviceman does not incur Service Occupation Tax liability with respect to items transferred as an incident to repairing, reconditioning or remodeling tangible personal property belonging to a common carrier by rail which takes delivery of the items in Illinois but which transports the items (or shares with another common carrier in transporting the items) out of Illinois on a standard uniform bill of lading showing the serviceman as the shipper or consignor of the items to a destination outside Illinois for use outside Illinois* (Section 2 of the Act).

2) *With respect to items produced for an interstate carrier by rail on special order (in such a way so that the applicable tax would be Service Occupation Tax rather than Retailers' Occupation Tax), no Service Occupation Tax liability is incurred if that interstate carrier by rail takes delivery of the items in Illinois but transports the items (or shares with another common carrier in transporting the items) out of Illinois on a standard uniform bill of lading showing the seller as the shipper or consignor of the item to a destination outside Illinois for use outside Illinois* (Section 2 of the Act).

3) The two exceptions described immediately above at Ssubsections (d)(1) and (2) of this Section are also applicable to local Service Occupation Taxes imposed by ~~municipalities, counties,~~ home rule units or by the Regional Transportation Authority and the Metro East Mass Transit District. ~~However, the local taxes may be reimposed on these otherwise exempt transactions by municipal, county or Metro East Mass Transit District ordinance or by Regional Transportation Authority resolution.~~

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

~~a) Definitions:~~

~~1) "Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.~~

~~2) "Supplier maintaining a place of business in this State", or any like term, means having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the supplier or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such supplier or subsidiary is licensed to do business in this State. It does not matter that the agent may engage in business on his own account in other transactions, nor that such agent may act as agent for other persons in other transactions, nor that he is not an employee but is an independent contractor acting as agent. The term "agent" is broader than the term "employee". "Agent" includes anyone acting under the principal's authority in an agency capacity.~~

~~b) Collection of the Tax From Servicemen by Suppliers~~

~~1) Every supplier maintaining a place of business in this State when delivering or shipping tangible personal property to a serviceman in Illinois from a point outside Illinois, is required to collect the Service Occupation Tax if the property is sold to the serviceman for resale as an incident to a sale of service, unless the serviceman gives the supplier a proper exemption certificate in accordance with Subpart M of this Part. The place at which the title to the property passes is immaterial. It does not matter in the case of a particular sale whether the supplier first receives the serviceman's purchase order in Illinois or outside Illinois, and it does not matter where the supplier accepts the particular purchase order.~~

~~2) Out of State suppliers not maintaining a place of business in this State, who, though not required to register with the Department, do so voluntarily, thereafter have the same tax collection and tax paying responsibility as a supplier maintaining a place of business in this State.~~

(Source: Repealed at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section 140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)

~~a) If the serviceman believes that his purchase of tangible personal property from his supplier is not subject to the Service Occupation Tax because:~~

~~1) The tangible personal property will be transferred by him in such a manner as to create liability for the Retailers' Occupation Tax or for the Use Tax, or~~

~~2) the tangible personal property is to be transferred to a person who will resell it, or~~

~~3) the tangible personal property will be transferred as an incident to a sale of service which comes within the Commerce Clause of the Constitution of the United States (see Subpart B of this Part), or~~

~~4) the transfer of the goods by the serviceman will be nontaxable for any other valid reason,~~

the serviceman may give his supplier an exemption certificate stating the reason why such transfer of goods will be nontaxable, in lieu of paying the tax to his supplier. However, no such certificate shall be valid unless the serviceman who signs it has an active registration or resale number from the Department and includes such number in such certificate.

b) Such an exemption certificate must show: The description, amount and cost price of the tangible personal property involved; the name and address of the serviceman; the name and address of the supplier; the reason why the transfer of the tangible personal property by the serviceman will not be subject to this tax; the serviceman's registration number or resale number with the Department; and the date of the transaction.

c) The certificate must be personally signed by the serviceman or his authorized agent.

d) Such an exemption certificate, if given and accepted in good faith, relieves the serviceman's supplier of any liability to collect the tax from the serviceman with respect to the tangible personal property described therein. The serviceman is then liable to pay the proper tax directly to the Department if the tangible personal property is subsequently transferred by such serviceman to another person in such a manner as to make it subject to tax.

(Source: Repealed at 14 Ill. Reg. 262, effective January 1, 1990)

Section 140.1310 Blanket Percentage Exemption Certificates (Repealed)

If the serviceman will buy tangible personal property (such as food and medicine in the case of a nursing home, paper and ink in the case of a printer, etc.) partly for retransfer as an incident to service in a taxable manner and partly for retransfer as an incident to service in a nontaxable manner (such as a nursing home serving food to patients whose bill is paid by the Illinois Public Aid Commission or some other governmental body, or a printer transferring paper and ink in the form of printed matter to a purchaser outside Illinois or to a church, governmental body or other exempt type of customer), such serviceman may determine from his experience what percentage of such purchases is taxable and what percentage is nontaxable and may give a certification to that effect to his supplier, who shall not collect Service Occupation Tax on the percentage certified to be nontaxable. If any portion of the percentage certified to be nontaxable is transferred by the serviceman in a taxable manner, he shall pay the Service Occupation Tax directly to the Department. Any such percentage certification must be signed by the purchasing serviceman or his authorized representative and must include such serviceman's registration or resale number from the Department. Such a purchaser should redetermine and re-certify such percentage to suppliers at least every 12 months. A percentage exemption certificate may be given and accepted only with respect to service tax types of items (i.e., to tangible personal property which the serviceman retransfers as an incident to rendering service). A

percentage exemption certificate may not be given and accepted with respect to tangible personal property which the serviceman buys for use or consumption and not for retransfer as an incident to rendering service.

(Source: Repealed at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1415 Interest

a) Effective February 1, 1985, Any credit or refund that is allowed under the Act shall bear interest at the rate of 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid. However, no interest will be paid for any period of time prior to April 1, 1963.

b) No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.

c) When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART O: DISCONTINUATION OF A BUSINESS

Section 140.1501 Procedures

a) Where a supplier or serviceman under the Service Occupation Tax Act sells out or discontinues his business, such supplier or serviceman shall continue to file returns and pay tax with respect to cost selling prices received by the supplier or paid by the serviceman thereafter on account of taxable transactions which occurred up to the date upon which he sells out or discontinues his business. Such cost prices tax should be reported and paid upon notwithstanding the fact that the supplier or serviceman is no longer engaged in business. For the purposes of filing a final return under Section 140.410 of this Part, the taxpayer is not considered to have discontinued business as long as he continues to collect receipts from (in the case of suppliers), or to make payments on (in the case of servicemen) cost prices on which he is required to remit tax to the Department.

b) ~~However, if such supplier or serviceman has been duly granted permission by the Department, and has consistently used gross amount of cost prices as the method of computing his liability for tax under the Act, he will not be required to continue to file returns or to pay any tax after selling out or discontinuing his business except for the final return which would be due from him in any event under Section 140.410 of this Part for the last reporting period in which he did operate his business; but in this event, he must file with the Department a Certificate of Discontinuation of Business. Since such supplier or serviceman has filed returns and paid tax with respect to all taxable transactions at the time when they occurred, he does not have any further amounts of cost prices which are subject to the Service Occupation Tax.~~ For information concerning the requirements for complying with the Bulk Sales Law when a business is sold by one person to another, see Subpart P of this Part.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section 140.1601 Requirements and Procedures

a) If any taxpayer, outside the usual course of his business, sells or transfers the major part of any one or more of~~,~~:
 1) ~~t~~The stock of goods which he is engaged in the business of selling~~, or~~;
 2) the furniture or fixtures~~, or~~;
 3) the machinery and equipment, of any business that is subject to the provisions of the Act~~,~~; or
 4) real property

 the purchaser or transferee of such assets shall, within 10 days after the sale or transfer, file a report of the sale or transfer with the Department disclosing the name and address of the seller or transferor, the name and address of the purchaser or transferee, the date of the sale or transfer, a description of the property sold, the amount of the purchase price and such other information as the Department may reasonably require. The seller or transferor shall pay the Department the amount of tax, penalty and interest (if any) due from him under the Act up to the date of the sale. The seller or transferor, or the purchaser or transferee, at least 30 days before the date of the sale or transfer, may notify the Department of the intended sale or transfer and request the Department to audit the books and records of the seller or transferor or do whatever else may be necessary to determine how much the seller or transferor owes to the Department under the Act up to the date of the sale or transfer. The Department shall take such steps as may be appropriate to comply with such request.

b) The purchaser or transferee shall withhold enough of the purchase price to cover the amount of all tax, penalty and interest due and unpaid by the seller or transferor under the Act or, if the payment of money or property is not involved, shall withhold the performance of the condition that constitutes the consideration for the sale or transfer, until the seller or transferor produces a receipt from the Department showing that such tax, penalty and interest have been paid or a certificate from the Department showing that no tax, penalty or interest is due from the seller or transferor under the Act.

c) The purchaser or transferee is relieved of any duty to withhold from the purchase price and of any liability for tax, penalty or interest due under the Act from the seller or transferor if the Department fails to notify the purchaser or transferee of the amount claimed by the Department to be due under the Act from the seller or transferor within 30 days after the sale or transfer has been reported to the Department where the seller or transferor or purchaser or transferee did not notify the Department of the intended sale or transfer at least 30 days before the date of the sale, or if the Department fails to notify the purchaser or transferee of the amount claimed by the Department to be due under the Act from the seller or transferor within 10 days after the sale or transfer has been reported to the Department where the seller or transferor or purchaser or transferee did notify the Department of the intended sale or transfer at least 30 days before it occurred and did request an audit or such other review as might enable the Department to determine how much it claims to be due under the Act from the seller or transferor up to the date of the sale or transfer.

d) If the seller or transferor fails to pay the tax, penalty and interest (if any) due from him under the Act and the Department makes timely claim therefor against the purchaser or transferee as hereinabove provided, then the purchaser or transferee shall pay the amount so withheld from the purchase price to the Department. If the purchaser or transferee fails to comply with the requirements of this ~~Regulation~~ Section under the Act, the purchaser or transferee shall be personally liable to the Department for the amount owed under the Act by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee.

e) Any person who shall acquire any property or rights thereto which, at the time of such acquisition, is subject to a valid lien in favor of the Department shall be personally liable to the Department for a sum equal to the amount of taxes secured by such lien but not to exceed the reasonable value of such property acquired by him.

(Source: Amended at 14 Ill. Reg. 262, effective January 1, 1990)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Administration of the Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers — Emergency Action

1501.517	amendment

4) Statutory Authority: Ill. Rev. Stat., 1987 and 1988 Suppl., Ch. 122, par. 102-16

5) Effective Date of Amendment: November 9, 1989

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:

7) Date Filed in Agency's Principal Office: October 4, 1989

8) Reason for Emergency: Eligible annuitants unable to obtain specified health insurance.

9) A Complete Description of the Subjects and Issues Involved: In 1988, the ICCB received statutory substantive authority to distribute grants to community colleges to assist in providing health insurance for their retirees (P.A. 85-1047). This year, the appropriations bill for the community college system (P.A. 86-115) included $2.6 million for the retirees health insurance grants.

Complications arose in that this year, Governor Thompson also signed into law HB 2369 and HB 1819. HB 2369 places the coverage of health insurance for retirees under the current state plan but does not obligate the institution to meet the costs. HB 1819 provides for the coverage of health insurance for all employees, both current and retired, under a state plan yet to be created; however, participation would be funded by the institution and/or individual. Both bills were amendatorily vetoed to delay the effective dates until July 1, 1990. The effect of these signings is that retirees health insurance grants appropriated to the ICCB will provide a subsidy for community college retirees for the remainder of fiscal year 1990.

The problem that arises is that in rules developed by the ICCB to implement the retirees health insurance program (adopted on September 22, 1989) a requirement was included that coverage for retirees be the same as that of the community college district's active employees. However, due to the retirees designation as a high-risk group and the complications resulting fron the signing of HB 2369 and HB 1819, many of the colleges are finding that the insurance carriers are unwilling to provide identical coverage to the retirees for even a short time.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF EMERGENCY AMENDMENT

Thus, in order to ensure that retirees are able to obtain some type of health insurance coverage and to assess the impact of the new legislation on the future of retirees, this emergency amendment is necessary and is accompanied by identical proposed rules.

10) Are there any proposed amendments to this Part pending? Yes

1501.111	amendment	November 3, 1989
1501.302	amendment	November 3, 1989
1501.303	amendment	November 3, 1989
1501.501	amendment	November 3, 1989

11) Statement of Statewide Policy Objections: Not Applicable

12) Information and questions regarding this amendment shall be directed to:

Dave Steelman, Associate Director
Governmental Relations
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0028

The full text of the emergency amendment begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501
ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section
1501.101 Definition of Terms
1501.102 Advisory Groups
1501.103 Rule Adoption (Recodified)
1501.104 Manuals
1501.105 Advisory Opinions
1501.106 Executive Director
1501.107 Information Request (Recodified)
1501.108 Organization of ICCB
1501.109 Appearance at ICCB Meetings
1501.110 Appeal Procedure
1501.111 Reporting Requirements
1501.112 Certification of Organization
1501.113 Administration of Mandatory and Voluntary Annexations and New District Formations

SUBPART B: RECOGNITION

Section
1501.201 Definition of Terms
1501.202 Recognition Provisions
1501.203 Evaluation
1501.204 Review and Appeal
1501.205 Recognition Standards

SUBPART C: PROGRAMS

Section
1501.301 Definition of Terms
1501.302 Units of Instruction, Research, and Public Service
1501.303 Program Requirements
1501.304 Statewide and Regional Planning
1501.305 College, Branch, and Extension Centers
1501.306 State or Federal Institutions (Repealed)
1501.307 Cooperative Agreements and Contracts
1501.308 Reporting Requirements
1501.309 Course Classification and Applicability

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF EMERGENCY AMENDMENT

SUBPART D: STUDENTS

Section
1501.401 Definition of Terms
1501.402 Admission of Students
1501.403 Student Services
1501.404 Academic Records
1501.405 Student Evaluation
1501.406 Reporting Requirements

SUBPART E: FINANCE

Section
1501.501 Definition of Terms
1501.502 Financial Planning
1501.503 Audits
1501.504 Budgets
1501.505 Non-Resident Student Tuition Calculations
1501.506 Published Financial Statements
1501.507 Credit Hour Grants
1501.508 Special Populations Grant
1501.509 Economic Development Grants
1501.510 Reporting Requirements
1501.511 Chart of Accounts
1501.514 Business Assistance Grants (Repealed)
1501.515 Advanced Technology Equipment Grant
1501.516 Repair and Renovation Grants
1501.517 Retirees Health Insurance Grants
EMERGENCY

SUBPART F: CAPITAL PROJECTS

Section
1501.601 Definition of Terms
1501.602 Approval of Capital Projects
1501.603 State Funded Capital Projects
1501.604 Locally Funded Capital Projects
1501.605 Project Changes
1501.606 Progress Reports (Repealed)
1501.607 Reporting Requirements
1501.608 Approval of Projects in Section 3-20.3.01 of the Act
1501.609 Completion of Projects Under Section 3-20.3.01 of the Act

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF EMERGENCY AMENDMENT

SUBPART G: STATE COMMUNITY COLLEGE

Section
1501.701 Definition of Terms
1501.702 Applicability
1501.703 Recognition
1501.704 Programs
1501.705 Finance
1501.706 Personnel
1501.707 Facilities

SUBPART H: PERSONNEL

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Article II and Section 3-20.3.01 of the Public Community College Act (Ill. Rev. Stat., 1987 and 1988 Suppl., ch. 122, pars. 102-1 et seq and 102-2.3.01)

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107, and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effetive July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF EMERGENCY AMENDMENT

SUBPART E: FINANCE

Section 1501.517 Retirees Health Insurance Grants
EMERGENCY

a) Retirees health insurance grants shall be distributed proportionately to each district based on the number of that district's annuitants on July 1 of the fiscal year in which the appropriation is made as certified by the State Universities Retirement System (SURS).

b) Retirees health insurance grants shall be used by a community college district to provide health insurance for the district's annuitants.

c) ~~Provisions of the retirees health insurance program shall be the same as that of the district's health insurance plan for active employees, except that~~ a Annuitants eligible for Social Security benefits shall be required to enroll in Medicare Part A Insurance which shall be considered their primary coverage.

d) Retirees health insurance grants shall be expended or obligated by June 30 of the fiscal year in which the grant is received. Unexpended funds shall be returned to the ICCB by October 15 following the year for which the appropriation was made.

e) Retirees health insurance grants determined not to be spent in accordance with this Section shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB.

(Source: Emergency Amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF EMERGENCY RULES

1) Heading of Part: Title Insurance Act

2) Code Citation: 50 Ill. Adm. Code 8100

3) Section Number: Emergency Action:

8100.100	New Section
8100.105	New Section
8100.110	New Section
8100.114	New Section
8100.120	New Section
8100.121	New Section
8100.125	New Section
8100.130	New Section
8100.135	New Section
8100.140	New Section
8100.145	New Section
8100.150	New Section
8100.155	New Section
8100.170	New Section
8100.190	New Section
8100.200	New Section
8100.205	New Section
8100.210	New Section
8100.215	New Section
8100.220	New Section
8100.225	New Section
8100.230	New Section
8100.235	New Section
8100.240	New Section
8100.245	New Section
8100.250	New Section
8100.255	New Section
8100.260	New Section
8100.265	New Section
8100.270	New Section
8100.275	New Section
8100.280	New Section
8100.400	New Section
8100.401	New Section
8100.402	New Section
8100.403	New Section
8100.900	New Section
8100.905	New Section
8100.1005	New Section
8100.1100	New Section
8100.1200	New Section

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF EMERGENCY RULES

8100.1300	New Section
8100.1500	New Section
8100.1505	New Section
8100.1510	New Section
8100.1515	New Section
8100.1600	New Section
8100.1700	New Section
8100.1701	New Section
8100.1702	New Section
8100.1703	New Section
8100.1704	New Section
8100.1708	New Section
8100.1716	New Section
8100.1718	New Section
8100.1720	New Section
8100.1722	New Section
8100.1724	New Section
8100.1726	New Section
8100.1728	New Section
8100.1730	New Section
8100.1732	New Section
8100.1734	New Section
8100.1738	New Section
8100.1740	New Section
8100.1742	New Section
8100.1744	New Section
8100.1746	New Section
8100.1748	New Section
8100.1750	New Section
8100.1810	New Section
8100.2010	New Section
8100.3000	New Section

4) Statutory Authority: Public Act 86-239, effective January 1, 1990.

5) Effective Date of Rules: January 1, 1990

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date filed in Agency's principal office: January 1, 1990

8) Reason for Emergency: The Title Insurance Act becomes effective January 1, 1990. The title insurance industry initiated the request for regulation and was instrumental in passage of the Title Insurance Act.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF EMERGENCY RULES

To assure that appropriate rules were promulgated, a working draft of the proposed rules was submitted to over forty (40) parties representing the title insurance industry, consumers and the legal community on November 13, 1989. Written comments were requested and a meeting between the Department and representatives occurred on December 8, 1989.

As a result of both written responses and verbal input, the proposed and emergency rules have been modified to address concerns expressed, while allowing for effective regulation.

Emergency rulemaking is required to overcome the necessary delay in adopting permanent rules and to assure that appropriate rules are in place on January 1, 1990, which provide for interim and final registration of Title Insurance Companies, Title Insurance Agents and Independent Escrowees. The rules further provide initial compliance and consumer protection measures needed prior to adoption of permanent rules.

9) Complete Description of the Subjects and Issues Involved:

These new sections are proposed to implement the Title Insurance Act (the "Act").

Sections 8100.100 through 8100.190 are requirements of general application governing notification, certification, filing, place of filing, fees and variances.

Sections 8100.200 through 8100.280 are definitions of terms.

Sections 8100.400 through 8100.1515 establish acceptable deposits, computation of and change requirements for deposits, recordkeeping, reports and payments for Title Insurance Companies.

Section 8100.1600 establishes the registration of Title Insurance Agents.

Sections 8100.1700 through 8100.1750 provide for the establishment of and the requisites for handling escrow accounts by Independent Escrowees including recordkeeping, reporting and deposit requirement.

Section 8100.1810 sets forth a prohibition for favored title insurance company or agent.

Section 8100.2010 establishes a manner and method of requesting opinions from the Department.

Section 8100.3000 establishes a prohibition of public disclosure of sensitive material.

10) Are there any proposed amendments pending?

No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF EMERGENCY RULES

12) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking:

Henry Sintzenich, Deputy Counsel
Consumer Credit Division
Department of Financial Institutions
500 Iles Park Place, Suite 314
Springfield, IL 62718-1094
217/782-3704

The full text of the emergency rules begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF EMERGENCY RULES

TITLE 50: INSURANCE
CHAPTER V: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 8100
TITLE INSURANCE ACT

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AUTHORITY: Implementing and authorized by the Title Insurance Act (P.A. 86-239, effective January 1, 1990)

SOURCE: Emergency rules adopted at 14 Ill. Reg. 305 , effective January 1, 1990, for a maximum of 150 days.

SUBPART A: RULES OF GENERAL APPLICATION

Section 8100.100 Notice of Suspension or Revocation
EMERGENCY

The suspension or revocation of any certificate, registration, or license issued under this Act is effective upon completion of service pursuant to the provisions of Section 21.(b) of the

Act. Where service is made by registered or certified mail, the Department will, if possible, notify by telephone or by facsimile transmission the affected person or party of the suspension or revocation.

Section 8100.105 Notification of Noncompliance or Material Change
EMERGENCY

All holders of or applicants for any certificate of authority, registration or license issued pursuant to the Act shall submit written notification to this Department within a maximum of ten (10) business days of any noncompliance with the provisions of this Act and any material change in condition which places or tends to place any policyholder in jeopardy.

Section 8100.110 Display of Certificates, Registrations and Licenses
EMERGENCY

Each holder of a certificate of authority, registration or license issued pursuant to the Act shall display it in a manner conspicuous to the public or maintain it at its principal place of business for inspection upon request by the public.

Section 8100.114 Certification and Licensing
EMERGENCY

a) Any applicant requesting certification as a title insurance company or as an independent escrowee, prior to certification shall provide, as a minimum, the following information to the Department:

1) A certified copy of the Certificate of Authority from the Illinois Secretary of State authorizing it to do business in the State of Illinois, if any;

2) A Certificate issued by the State/domicile setting forth that it is in good standing and further setting forth the date upon which the Articles of Incorporation were issued, if any;

3) A certified copy of the assumed name filing, if any;

4) A brief narrative history of the company, if any;

5) A listing of the officers, directors and owners of the company, if any;

6) A listing of the company shareholders, if any;

7) A certified copy of the company's charter and by-laws and any amendments thereto, if any;

8) A Certificate of Compliance from the State of domicile, if any;

9) A copy of the most recent audited financial statements including a letter of opinion, if any;

10) The last published Annual Report of the company, if any;

11) A copy of the most recent examination, if applicable, by the State of domicile;

12) A copy of the Certificate of Deposit from the State of domicile and other states in which the company does business, if any;

13) A listing of the counties in Illinois in which business is to be conducted;

14) The nature and amount of the deposit as provided for in the Act;

15) A listing of all locations or proposed locations in the State of Illinois by name, address and phone number;

16) The name, address and phone number of a member of the company or person to direct questions regarding the application; and

17) The names and addresses of any proposed agents.

b) The Director or the Director's authorized representative shall require the filing of additional information with the Department to assure the business repute and qualification of the applicant requesting certification.

c) The Director or the Director's authorized representative shall grant each Company certified by the Department as of December 31, 1989, interim certification commencing January 1, 1990, and expiring on March 16, 1990, unless certification is suspended or revoked as provided in the Act.

d) Unless otherwise provided in the Act, the Director or the Director's authorized representative shall upon receipt on or before March 15, 1990, of a completed business disclosure form and an affidavit of compliance with the Act submitted by a Company granted interim registration, issue certification to the Company.

e) Interim registration shall expire on March 16, 1990.

Section 8100.120 Computation of Time
EMERGENCY

The time within which an act under the Act shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the date succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

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Section 8100.121 Requirements as to Proper Form
EMERGENCY

Any document filed with the Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed therefor by the Director. Any such document shall be deemed to be filed on the proper form unless objection to the form is made by the Department.

Section 8100.125 Place of Filing
EMERGENCY

All applications and other papers filed with the Title Insurance Section of the Consumer Credit Division of the Department of Financial Institutions shall be filed at Springfield, Illinois. Such material may be filed by delivery to the Department, through the mails or otherwise.

Section 8100.130 Additional Information
EMERGENCY

In addition to the information expressly required to be included in an application, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

Section 8100.135 Additional Exhibits
EMERGENCY

Any holder or applicant may file such exhibits as it may desire in addition to those required by the appropriate form. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

Section 8100.140 Information Unknown or Not Reasonably Available
EMERGENCY

Information required need be given only insofar as it is known or reasonably available to the holder or applicant. If any required information is unknown and not reasonably available to it, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with it, the information may be omitted, subject to the following conditions:

a) The holder or applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

b) The holder or applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

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Section 8100.145 Requirements as to Paper, Printing and Language
EMERGENCY

a) Application shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper, if folded to that size, and the prospectus may be on smaller paper, if the registrant so desires, but not less than 7 1/2 by 9 inches in size.

b) The application and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which in the opinion of the Department produces copies suitable for permanent record. Irrespective of the process used, all copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

c) The application shall be in the English language. If any exhibit or other paper or document filed with the application is in a foreign language, it shall be accompanied by a translation into the English language.

Section 8100.150 Number of Copies--Signatures
EMERGENCY

a) One copy of the completed application, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Department.

b) If any name is signed to the application pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, if the name of any officer signing on behalf of the applicant, or attesting the applicant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 8100.155 Audit Fees
EMERGENCY

Audit Fees under the Act are as follows:

a) Section 4.(d)

1) Each examiner man-day or part thereof $500

2) Transportation, lodging, per diem and miscellaneous expense ACTUAL COST

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b) Section 12

1)	Each examiner man-day or part thereof	$300
2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST

c) Section 17.(f)

1)	Each examiner man-day or part thereof	$300
2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST

Section 8100.170 Extension of Date for Filing
EMERGENCY

The Director or the Director's authorized representative may, upon receipt of a written application, extend for up to thirty (30) days any filing deadline set forth in the Act.

Section 8100.190 Provisions for Granting of Variance from Rules
EMERGENCY

The Director or the Director's authorized representative may grant variances from these Rules in individual cases where it is determined that:

a) the provision from which the variance is granted is not statutorily mandated;

b) no party will be injured by granting the variance; and

c) the Rule from which the variance is granted would, in the particular case, be unnecessarily burdensome.

SUBPART B: DEFINITIONS

Section 8100.200 Definition of terms Used in this Part
EMERGENCY

a) As used in this Part prescribed by the Director, pursuant to the Title Insurance Act, unless the context otherwise requires, the term:

"Act" means the Title Insurance Act (P.A. 86-239, effective January 1, 1990) and the Rules in this Part.

"Delinquency Assessment" means any amount, as determined by the Department, payable under Section 15 of the Act and not submitted with the report of each foreign title company as required under Section 8100.1500 of this Part.

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"Surplus as regards policyholders" means the total of capital paid-up, gross paid-in and contributed surplus, special surplus funds, unassigned funds less treasury stock at cost, all as shown on the company's balance sheet.

"Consideration" means, but is not limited to, monies, things, salaries, fees, duplicate payments of a charge, stocks, dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or loan guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

Section 8100.205 Definition of the term *"Domestic Title Insurance Company"* as Used in the Act
EMERGENCY

The term *"Domestic Title Insurance Company"* as used in the Act shall mean a title insurance company organized under the laws of this State.

Section 8100.210 Definition of the term *"Application"* as Used in Section 4.(d) and 8.(b) of the Act
EMERGENCY

The term *"Application"* as used in Section 4.(d) and 8.(b) of the Act shall mean a request in writing under oath containing all the relevant facts upon which a decision can be made, and the specific relief requested.

Section 8100.215 Definition of the term *"Audit"* as Used in Section 12.(b) of the Act
EMERGENCY

The term *"Audit"* as used in Section 12.(b) of the Act shall include, but not be limited to, any annual or special examination, visit or review required under the Act or required by the Director or the Director's authorized representative in carrying out the duties and responsibilities under the Act.

Section 8100.220 Definition of the term *"Bonds of the United States"* as Used in Section 4.(a) of the Act
EMERGENCY

The term *"Bonds of the United States"* as used in Section 4.(a) of the Act shall include bonds, bills and notes issued by the United States, the United States Federal Reserve, and direct obligations of the United States of America for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the United States of America.

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Section 8100.225 Definition of the term *"Bonds ... of Any Body Politic of This State"* as Used in Section 4.(a) of the Act
EMERGENCY

The term *"Bonds ... of Any Body Politic of This State"* as used in Section 4.(a) of the Act shall mean direct, general obligations of any body politic of this State for the payment of money, or obligations for the payment of money to the extent guaranteed as to the payment of principal and interest by the State on the following conditions:

a) The obligations are payable or guaranteed from ad valorem taxes;

b) Such body politic is not in default in the payment of principal or interest of any of its direct or guaranteed obligations; and

c) No investment shall be made in obligations which are secured only by special assessments.

Section 8100.230 Definition of the term *"Bonds ... of This State"* as Used in Section 4.(a) of the Act
EMERGENCY

The term *"Bonds ... of This State"* as used in Section 4.(a) of the Act shall mean direct, general obligations of this State for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the State on the following conditions:

a) The State has the power to levy taxes for the prompt payment of the principal and interest of such obligations, and

b) The State shall not be in default in the payment of principal or interest on any of its direct, guaranteed or insured obligations at the date of such investment.

Section 8100.235 Definition of the term *"Qualified to Do Business in This State"* as Used in Section 4.(a) of the Act
EMERGENCY

The term *"Qualified to Do Business in This State"* as used in Section 4.(a) of the Act shall mean the date of and period in which a company is in compliance with the requirements of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch 32, par. 1.10 et seq.).

Section 8100.240 Definition of the term *"Title Plant"* as Used in Section 7.(b) of the Act

EMERGENCY

The term, *"Title Plant"* as used in Section 7.(b) of the Act shall mean a set of records in which an entry has been made of documents or matters imparting constructive notice under

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the law of matters affecting title to real property or any interest therein or encumbrance thereon, which have been filed or recorded in the jurisdiction for which such title plant is maintained.

Section 8100.245 Definition of the term *"Net Retained Liability"* as Used in Section 8.(a) and 11.(b) of the Act
EMERGENCY

The term *"Net Retained Liability"* as used in Section 8.(a) and 11.(b) of the Act shall mean the total liability retained by a title insurance company for a single risk, after taking into account the deduction for ceded liability, if any.

Section 8100.250 Definition of the term *"Capital"* as Used in Section 9.(a) of the Act
EMERGENCY

The term *"Capital"* as used in Section 9.(a) of the Act shall mean the total of the shareholders equity, paid-up, the retained earnings and the retained surplus as determined by a title insurance company each month.

Section 8100.255 Definition of the term *"Notice"* as Used in Section 9.(b) of the Act
EMERGENCY

The term *"Notice"* as used in Section 9.(b) of the Act shall include, but not be limited to, a communication accomplished by telephone, United States Postal Service, private mail service, computer transaction or facsimile transmission.

Section 8100.260 Definition of the term *"Alien Title Insurance Company"* as Used in Section 11.(b) of the Act
EMERGENCY

The term *"Alien Title Insurance Company"* as used in Section 11.(b) of the Act shall mean any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof.

Section 8100.265 Definition of the term *"Foreign Title Insurance Company"* as Used in Section 11.(b) and 15 of the Act
EMERGENCY

The term *"Foreign Title Insurance Company"* as used in Section 11.(b) and 15 of the Act shall mean any title insurance company organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States.

Section 8100.270 Definition of the term *"Like Purposes"* as Used in Section 15 of the Act
EMERGENCY

The term *"Like Purposes"* as used in Section 15 of the Act shall not include the fee specified in Section 14.(b) of the Act.

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Section 8100.275 Definition of the term *"Party"* as Used in Section 23 of the Act
EMERGENCY

The term *"Party"* as used in Section 23 of the Act shall include, but not be limited to, all holders of or applicants for any certificate of authority, registration, or license, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

Section 8100.280 Definition of the term *"Person"* as Used in Section 24 of the Act
EMERGENCY

The term *"Person "* as used in Section 24 of the Act shall include, but not be limited to, all holders of or applicants for any certificate of authority, registration, a license, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

SUBPART C: TITLE INSURANCE COMPANIES

Section 8100.400 Bonds and Securities Acceptable for Deposit
EMERGENCY

Each Title Insurance Company ("Company") prior to becoming certified by the Director to transact the business of insuring and guaranteeing titles to real estate in this State shall deposit with the Department bonds of the United States, this State or any body politic of this State in the amount specified by Section 4.(b) of the Act ("Bonds"). No other bonds or securities are acceptable for deposit.

Section 8100.401 Place of Deposit
EMERGENCY

Each Company shall:

a) instead of physical delivery of the Bonds to the Department, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987 ch. 17, par. 1551-1 et seq.) now and hereafter amended ("Depository Institution");

b) execute and deliver to the Department, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and

c) file with the Department a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the Bonds on deposit.

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Section 8100.402 Computation of Amount on Deposit
EMERGENCY

Each Company shall compute the value of the Bonds on deposit. The computation shall be made using the actual cash value of each Bond, not face value. At all times, the actual cash value of the Bonds on deposit must equal at least 95% of the face value of the Bonds on deposit, as specified under Section 4.(b) of the Act.

Section 8100.403 Exchange of Bonds on Deposit
EMERGENCY

No Company shall exchange, substitute, remove, encumber, or hypothecate, Bonds on deposit without receiving prior thereto written approval from the Director or the Director's authorized representative.

Section 8100.900 Impairment
EMERGENCY

Impairment occurs when the statutory liabilities of a Company exceed 25% of the capital or surplus as regards policyholders for a period of thirty (30) calendar days.

Section 8100.905 Definition of the term "Statutory Liabilities" as Used in This Subpart
EMERGENCY

The term "statutory liabilities" as used in this subpart shall mean all liabilities of the Company less the following: reserves required by law or otherwise, reserves for undetermined title losses of which notice has been received, premiums and other consideration received in advance, unearned interest and real estate income received in advance, amounts withheld or retained by the Company for account of others, and dividends declared and unpaid.

Section 8100.1005 Records of Required Reserves
EMERGENCY

Each Company shall maintain a record by date of each notice received, which computes a revision or readjustment to the reserve.

Section 8100.1100 Records of Statutory Premium Reserve
EMERGENCY

Each Company shall maintain a record of the statutory premium reserve required pursuant to Section 11 of the Act, which sets forth the basis of and computation of the reserve, along with the amount of, date of and computation of each amount released from the reserve.

Section 8100.1200 Consumer Complaints
EMERGENCY

Each Company shall maintain for review by the Department:

a) A file containing each written complaint received from any person or party regarding property located in this State other than matters for which a separate claim file has been opened, together with the response to or resolution of the complaint.

b) The files must be maintained during each audit period and will be reviewed by and released by the Department's examiner at the time of annual audit. The completion of the audit without limitation to the contrary shall constitute such release and permit the Company to dispose of complaints responded to or otherwise resolved.

Section 8100.1300 Report of Condition
EMERGENCY

a) Each Company shall file a report of condition pursuant to Section 13 of the Act which includes, but is not limited to:

1) an audited financial statement;

2) the current address and telephone number of the main administrative office;

3) the primary location of books and records;

4) a list of officers and directors;

5) a list of and analysis of investments;

6) a schedule of special and regular deposits;

7) a list of subsidiary, controlled or affiliated companies;

8) an organization chart;

9) a narrative report of all contingencies which may have a material affect on finances or operations; and

10) the date of and state conducting the latest financial examination of the company.

b) The Director or the Director's authorized representative, after review of the report of condition, may request further and additional information to assure the business repute and qualifications of the Company.

Section 8100.1500 Due Date for Filing Report
EMERGENCY

Each foreign title insurance company shall file not later than May 15th of each year a report setting forth the basis for, computation of and amount due pursuant to Section 15 of the Act.

Section 8100.1505 Due Date for Deposits and Payments
EMERGENCY

All amounts due pursuant to Section 15 of the Act shall be paid to and received by this Department not later than May 15th of each year.

Section 8100.1510 Review of Reports
EMERGENCY

Each report filed with the Department will be reviewed. A report of the review including any delinquency assessment will be submitted to the filing company.

Section 8100.1515 Due Date for Delinquency Assessment
EMERGENCY

Amounts due pursuant to the delinquency assessment shall be paid to and received by this Department within thirty (30) days of the date of issuance of the delinquency assessment.

SUBPART D: TITLE INSURANCE AGENTS

Section 8100.1600 Registration of Title Insurance Agents
EMERGENCY

a) Each Company shall make the annual filing of the required registration form for title insurance agents on or before February 1st of each year. Included with the filing shall be the annual fee computed in accordance with Section 14.(b) of the Act.

b) Each Company shall file, at least monthly, supplemental registrations for new title insurance agents. Included with the filing shall be any additional fee computed in accordance with Section 14.(b) of the Act.

c) No title insurance agent shall conduct business before:

1) having obtained errors and omissions insurance, if required, in an amount acceptable to the title insurance company appointing the agent; and

2) being registered with this Department.

d) A Company may voluntarily withdraw the registration of a title insurance agent or limit the duties of a title insurance agent. Within five (5) business days of the withdrawal or limitation, the Company shall notify this Department of the action taken.

e) Withdrawal of the registration of a title insurance agent or limitation of the duties of a title insurance agent shall not be deemed to prevent this Department from taking action under Section 21.(a) of the Act.

f) Each Company may obtain interim registration of title insurance agents with a registration date of January 1, 1990, by filing with the Department not later than January 8, 1990, a list of title insurance agents on the form prescribed under subsection (a). The annual fee is due on or before February 1, 1990.

g) Interim registration of each title insurance agent shall expire on March 16, 1990, unless a Company has filed with the Department a new title insurance agent registration form.

SUBPART E: INDEPENDENT ESCROWEES

Section 8100.1700 Bonds and Securities Acceptable for Deposit
EMERGENCY

Each independent escrowee prior to becoming certified by the Director to transact business in this State will deposit with the Department bonds of the United States, this State or any body politic of this State in the amount specified by Section 4.(b) of the Act ("Bonds"). No other bonds or securities are acceptable for deposit.

Section 8100.1701 Place of Deposit
EMERGENCY

Each independent escrowee shall:

a) instead of physical delivery of the Bonds to the Department, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987 ch. 17, par. 1551-1 et seq.) as now and hereafter amended ("Depository Institution");

b) execute and deliver to the Department, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and

c) file with the Department a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the Bonds on deposit.

Section 8100.1702 Computation of Amount on Deposit
EMERGENCY

Each independent escrowee shall compute the value of the Bonds on deposit. The computation will be made using the actual cash value of each Bond, not face value. At all times, the actual cash value of the Bonds on deposit must equal at least 95% of the face value of the Bonds on deposit, as specified under Section 4.(b) of the Act.

Section 8100.1703 Exchange of Bonds on Deposit
EMERGENCY

No independent escrowee shall exchange, substitute, remove, encumber or hypothecate

Bonds on deposit without receiving prior thereto written approval from the Director or the Director's authorized representative.

Section 8100.1704 Starker Exchange
EMERGENCY

Licensed attorneys, retained by the parties to a real estate transaction to act solely as escrowee, trustee or other capacity in effectuating a Starker Exchange (Starker vs. U.S., 602 F.2d 1341 (9th Cir. 1979)) exchange or other similar transaction, structured to obtain favorable tax treatment under the Internal Revenue Code or other tax law, are not independent escrowees.

Section 8100.1708 Maintenance of Books
EMERGENCY

An independent escrowee shall maintain books, records and accounts and shall notify the Director in writing of the location of its books, records and accounts. Such books, records and accounts shall be maintained at such location unless the independent escrowee shall notify the Director in writing at least fifteen (15) days prior to changing the location of such books.

Section 8100.1716 Basis of Books
EMERGENCY

An independent escrowee shall maintain its books, records and accounts in accordance with generally accepted accounting principles and good business practice.

Section 8100.1718 Posting Dates
EMERGENCY

All receipts and disbursements of monies by an independent escrowee shall be posted in the escrow ledger as of the date of such receipts and disbursements, regardless of the date of posting.

Section 8100.1720 Escrow Books
EMERGENCY

An independent escrowee shall establish and maintain current the following books with reference to its escrow accounts:

a) escrow ledger containing a separate ledger sheet for each escrow;

b) escrow liability controlling account; and

c) cash receipt and disbursement journal or a file containing copies of all receipts and checks and/or check stubs of checks issued by the escrow agent as a medium of posting to the records referred to in subsections (a) and (b) in which case adding machine tapes of totals of receipts and checks shall be retained. The records referred to in subsections (a) and (b) shall be reconciled at least once each month with the bank statements of the "trust" or "escrow" account. The records referred

to in subsection (a) shall be reconciled at least once each week with the escrow liability controlling account referred to in subsection (b).

Section 8100.1722 General Books
EMERGENCY

An independent escrowee shall establish and maintain current the following books with reference to its general accounts:

a) general ledger reflecting the assets, liabilities, capital, income, and expense of the business, in accordance with generally accepted accounting principles; and

b) cash receipt and disbursement journals.

Section 8100.1724 Special Accounts
EMERGENCY

a) All money received by an independent escrowee as part of an escrow transaction shall on or before the close of the next full working day after such receipt be deposited in a bank, a savings bank, a savings and loan association, or credit union ("financial institution") in an account designated "trust" or "escrow" account, or in an account otherwise designated by a name indicating that the funds contained therein are not the funds of the escrow agent, but only if such other designation has been first approved by the Director. No funds other than those received as part of an escrow transaction shall be deposited in such account or otherwise commingled with escrow money.

b) Pursuant to written instructions of the principals containing at least the provisions required by subsection (c), funds received in any particular escrow transaction and deposited pursuant to subsection (a) may subsequently be deposited into an interest-bearing escrow account established solely for such purpose at a financial institution in the name of the independent escrowee as trustee for the principals to the particular escrow identified by escrow number.

c) The escrow instructions for interest-bearing escrow deposits shall, at a minimum:

1) authorize the opening of an interest-bearing escrow account in the name of the independent escrowee as trustee for the particular escrow identified by escrow number;

2) specify the type of account to be opened and the amount of the deposit;

3) identify the name and location of the financial institution with which the interest-bearing account is to be opened;

4) specify:

A) the disposition of the interest at the close of escrow;

B) the disposition of the interest in the event that the escrow fails to close; and

C) the disposition of any accrued interest retained in the interest-bearing escrow account after the close of escrow pursuant to subsection (g);

5) indicate that the principals have been advised by the independent escrowee of possible restrictions or penalties, or both for early withdrawal of funds; and

6) prohibit the independent escrowee from withdrawing funds from the interest-bearing account except for redeposit into the "trust" or "escrow" account.

d) An independent escrowee is responsible for establishing and maintaining an interest-bearing account so that the funds are fully insured or guaranteed, to the extent available by law.

e) An independent escrowee is responsible for establishing and maintaining controls over the passbooks and certificates issued by financial institutions in connection with interest-bearing escrow accounts.

f) An independent escrowee depositing escrow funds into interest-bearing escrow accounts shall establish and maintain a control ledger summarizing the deposits in interest-bearing escrow accounts or shall make a memo entry on each individual escrow ledger. The posting of the ledger shall include the escrow number, interest-bearing account number, date of deposit, and amount of deposit.

g) All funds deposited into an interest-bearing escrow account, including any interest paid thereon, shall be transferred from such account into the "trust" or "escrow" account before the close of escrow, except that a specified portion of all the interest accrued may be retained in the interest-bearing escrow account until the end of the current calendar quarter if the escrow instructions of the principals so provide.

h) Disbursements from the "trust" or "escrow" account shall not be made against funds deposited in an interest-bearing escrow account until such funds have been transferred and receipted into the "escrow" or "trust" account with proper posting to the particular escrow.

i) No electronic fund transfers, except in commercial transactions, shall be made between the "trust" or "escrow" account and any interest-bearing account. Transfers shall be made only in a manner consistent with the provisions of Section 8100.1744 of this Part.

j) Interest paid on any interest-bearing escrow account shall be paid over to the principal having deposited the moneys in escrow unless the escrow instructions clearly specify that such interest is to be paid over to a named person.

k) An independent escrowee which wishes to transact business as an escrow agent on a basis other than as provided by this Subpart may request in writing a variance to or waiver of any provisions of this Subpart, but may not engage in business in a manner not in compliance with this Subpart without first having received a waiver or variance in writing from the Director or the Director's authorized representative.

l) Any request for a variance or waiver shall include at least:

1) a statement of the basis upon which the escrow agent's business is proposed to be transacted in connection with a particular named financial institution;

2) a description of the plan of business and applicable procedures including copies of all agreements or memoranda of understanding between the independent escrowee and the financial institution;

3) a showing that the proposed plan of business and applicable procedures provide for administrative and accounting controls at least as adequate as those provided in this Subpart; and

4) a statement of the reasons why, under the escrow agent's circumstances, a variance or waiver is requested.

m) Any variance or waiver granted pursuant to this Subpart by the Director or the Director's authorized representative shall be in writing and subject to such terms and conditions as may be deemed necessary or advisable by the Director or the Director's authorized representative to protect any escrow relationship.

Section 8100.1726 Records to be Preserved
EMERGENCY

An independent escrowee shall preserve for at least three (3) years from the close of escrow:

a) all bank statements of the "trust" or "escrow" account;

b) all canceled checks drawn upon the "trust" or "escrow" account;

c) copies of bank deposit slips with reference to the "trust" or "escrow" account;

d) all additional records reflecting banking transactions with reference to the "trust" or "escrow" account, including copies of all receipts for funds transferred from interest-bearing accounts into the "trust" or "escrow" account;

e) the Statement of Account;

f) escrow instructions and amendments thereto; and

g) all additional records pertinent to the escrow transaction.

Section 8100.1728 Withdrawals From Special Accounts
EMERGENCY

All money deposited in such "trust" or "escrow" account shall be withdrawn, paid out or transferred to other accounts only in accordance with the written instructions of the principals to the escrow transaction or pursuant to order of a court of competent jurisdiction.

Section 8100.1730 Debit Balances Prohibited
EMERGENCY

An independent escrowee shall not withdraw, pay out or transfer moneys from any particular escrow account in excess of the amount to the credit of such account at the time of such withdrawal, payment or transfer.

Section 8100.1732 Delivery of Documents or Property
EMERGENCY

An independent escrowee shall use documents or other property deposited in escrow only in accordance with the written instructions of the principals to the escrow transaction, or if not otherwise directed by written instructions, in accordance with sound escrow practice, or pursuant to order of a court of competent jurisdiction.

Section 8100.1734 Dated Instructions
EMERGENCY

All escrow instructions shall be dated.

Section 8100.1738 Printed Instructions
EMERGENCY

a) A preprinted form of escrow instructions shall not contain:

1) an authorization or direction to disburse any money except to an authorized independent escrowee prior to recordation of instruments in escrows relating to real property or prior to consummation of sale in escrows relating to bulk sales of personal property; or

2) an authorization or direction to deliver, except to a duly authorized subescrow agent of record instruments affecting ownership or interest in real or personal property, prior to deposit with the independent escrowee of the full sum of money required to be deposited in escrow under escrow instruction.

b) Nothing contained in this section shall prohibit:

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1) the insertion of such authorization in the form of escrow instructions, in handwriting or typewriting, at the direction of the party executing such instructions; or

2) an instruction authorizing disbursements in payment of services, fees or other items of expense, not including, however, commissions payable to brokers or agents.

Section 8100.1740 Withdrawal of Escrow Fees
EMERGENCY

Earned escrow fees shall be withdrawn from such "trust" or "escrow" account at least once each month.

Section 8100.1742 Notice of Interest
EMERGENCY

An independent escrowee shall act without partiality to any of the parties to an escrow transaction. If an independent escrowee or a person or company related to or affiliated with the independent escrowee is a principal to the escrow transaction or is acting or has acted as broker or salesman in relation to the escrow transaction, the independent escrowee shall advise in writing all parties to the escrow transaction of such relationship or affiliation before being employed as independent escrowee in connection with such transaction. Such advice shall be on the face of the escrow instructions in not less that eight (8) point bold type or its equivalent.

Section 8100.1744 Transfers Between Escrows
EMERGENCY

Transfers of funds between escrows may not be accomplished by the making of book entries alone, but must be accomplished by the actual writing of a check from one escrow to the other; and by the depositing of such check for the account of, and the writing of a receipt for, the escrow to which the funds are being transferred. Such transfers must also be properly supported and documented in the escrow files by inclusion of the reasons for, and the appropriate approval of, the transfer.

Section 8100.1746 Escrow Receipts
EMERGENCY

An independent escrowee shall issue consecutively prenumbered receipts for all escrow money or checks deposited with or mailed to the independent escrowee and retain copies of such receipts in a separate file.

Section 8100.1748 Drawing of Checks
EMERGENCY

A check shall not be drawn, executed or dated prior to the existence, in the particular escrow account against which it is drawn, executed or dated, of a sufficient credit balance to cover said check.

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Section 8100.1750 Statement of Account
EMERGENCY

Upon completion of an escrow transaction, an independent escrowee shall render to each principal to the escrow transaction a statement of the principal's account in writing. Such statement shall specify all receipts and disbursements of escrow funds for the principal's account. Charges made by the independent escrowee for its services, and all disbursements by the independent escrowee to a broker or salesman in connection with an escrow transaction shall be clearly designated as such and shall be shown separately from disbursements of the independent escrowee. Payments outside of escrow, if shown in the statement, shall be set forth separately from payments by or to the independent escrowee.

SUBPART F: FAVORED COMPANY OR AGENT

Section 8100.1810 Favored Title Insurance Company or Title Agent
EMERGENCY

a) *Application of this Section is limited to residential properties of 4 or fewer units, at least one of which units is occupied or to be occupied by an owner, legal or beneficial.*

b) No producer of title business or associate of a producer shall require, directly or indirectly, or through any officer, agent or affiliate, as a condition or agreement to selling or furnishing any person or persons any loan, or extension thereof, credit, contract, lease or service that such producer of title business or associate of a producer shall place any title insurance business through any particular title agent or title insurance company. No title agent or title insurance company shall knowingly participate in any such prohibited plan.

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 8100.2010 Request for Non-Binding Statements
EMERGENCY

a) Required information and format:

1) All requests for non-binding statements shall be in writing. The request shall be filed with the Department and shall contain the following:

A) a brief summary of the Sections of the Act and of the Rules to which the request pertains;

B) a detailed factual representation concerning every relevant aspect of the proposed transaction, event or circumstance. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;

C) a discussion of current statutes, rules and legal principles relevant to the facts set forth;

D) a statement by the person requesting the non-binding statement which states the person's own opinion in the matter and the basis for such opinion; and

E) a representation that the transaction in question has not been commenced or, if it has commenced, the present status of the transaction.

2) The Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act.

3) The Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.

4) The Department will not respond to requests based upon hypothetical facts or involving unnamed parties.

b) Review procedure under the Act:

1) The Department's review of requests for non-binding statements require an in-depth examination of the information presented and the applicable law. Therefore a considerable time period may elapse before the statement is issued.

2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Department shall decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement, stating that it will or will not recommend that enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the statement should not rely on the statement. Non-binding statements do not have precedent value.

c) Availability of non-binding statements issued by the Department:

1) The Department will maintain an index by statutory Section(s) involved and chronologically of all non-binding statements issued.

2) Copies of such statements can be reviewed in the Department's Springfield office and copies thereof obtained upon payment of the cost of duplication as set forth in the Act.

SUBPART J: PUBLIC INFORMATION

Section 8100.3000 Non-Public Distribution of Information
EMERGENCY

Information or documents obtained by employees of the Department in the course of any examination, audit, visit, registration, certification, review, licensing or investigation pursuant to the Act, shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making disclosure of such confidential information or production of documents or any other non-public records of the Department or other governmental agency, unless the Director or the Director's authorized representative authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part:

Asbestos Abatement for Public and Private Schools in Illinois

2) Code Citation: 77 Ill. Adm. Code 855

3) Section Numbers: Emergency Action:

855.20	Amendment
855.30	Repealed
855.40	Repealed, New Section
855.50	Amendment
855.55	Amendment
855.260	Amendment
855.280	Amendment
855.290	Amendment
855.300	Amendment
855.340	Amendment
855.350	Amendment
855.360	Amendment
855.370	New Section
Appendix A Illustration	Amendment
Illustration B	Amendment
Appendix C Illustrations-Application Forms	
Illustration A	Amendment
Illustration B	Amendment
Illustration C	Amendment
Illustration D	Amendment
Illustration E	Amendment
Illustration F	Amendment
Illustration G	Amendment
Illustration H	New Section
Illustration I	New Section
Illustration J	New Section

4) Statutory Authority:

Asbestos Abatement Act
Ill. Rev. Stat. 1987, ch. 122, par. 1401 et seq., as amended by P.A. 86-416, effective January 1, 1990.

5) Effective Date of Rule(s) Amendments:

January 1, 1990

6) If the Emergency Rules Amendment is to Expire Before the End of the 150-day Period, Please Specify the Date on Which it is to Expire:

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These rules will expire upon the adoption of the related general rulemaking.

7) Date Filed in Agency's Principal Office:

January 1, 1990

8) Reason for Emergency:

This Emergency rulemaking is necessary to insure safe abatement practices are occurring in local educational facilities. We have a number of documented cases of unscrupulous activities of contractors, project managers, air sampling professionals, supervisors and workers. All these cases may have been avoided with the presence of Department inspectors.

This emergency rulemaking will allow the Department to expand its enforcement personnel to ensure the safe conduct of abatement projects. Provide enforcement authority for abatement projects being designed for the spring and summers in 1990. Project managers, air sampling professionals, supervisors, workers will be subject to fines and penalties. This will ensure the safe conduct of abatement projects and ensure the safety of Illinois school children and other occupants of Local Education facilities.

9) A Complete Description of the Subjects and Issues Involved:

Pursuant to the provisions of the Asbestos Abatement Act for Public and Private Schools in Illinois and pursuant to the rulemaking authority granted therein, the subjects and issues involved are as follows:

855.20 Definitions

"Asbestos" - the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

"Asbestos Abatement Contractor" - any entity that engages in the removal, enclosure, or encapsulation of asbestos containing materials for any school.

"Asbestos Containing Building Material or (ACBM)" - surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.

"Asbestos Inspector" - an individual licensed by the Department to perform inspections of schools for the presence of asbestos containing materials.

"Asbestos Professional" - any individual who is licensed by the Department to perform asbestos related duties.

"Contained Area"- a work area with a controlled passage of workers, other personnel and authorized visitors.

"Director" - the Director of the Public Health.

"Encapsulation" - the treatment of ACBM with a material that surrounds or embeds asbestos fibers to prevent the release of fibers.

"Friable" - the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

"Management Plan" - a plan developed for a Local Education Agency for the management of asbestos in school buildings.

"Management Planner" - an individual licensed to prepare management plans.

"Person" - any individual, group of individuals, association, trust, partnership, corporation, individual or group of individuals doing business under an assumed name, asbestos professionals, public school district(s), private school(s).

"Project" - work being conducted in an individual school facility that is greater than three linear feet or three square feet.

"Project Designer" - an individual licensed to design response actions.

"Response Action Contractor" - any person that provides response action services.

"School Building" - any school facility suitable for a classroom, library, school eating facility, gymnasium, administration or research program, any maintenance, storage or utility facility, any portico or covered exterior hallway or walkway and any exterior portion of a mechanical system used to condition interior space.

"Supervisor - shall be licensed as an asbestos worker and a supervisor.

855.30 - School Inspection and Hazard Assessment (Repealed)

855.40 - Corrective Action (Repealed)

855.40 - Application Requirements and Disciplinary Standards (New Section)

a) Applies to Sections 855.55, 855.260, 855.340, 855.350 and 855.360.

b) Expiration date and duplicate license fee of $15.00.

c) Nonrefundable $50.00 fee. Sixty days to process.

d) Reciprocity with other states. Reciprocity through Professional Regulations for Project Designers before applying.

e) Renewal application, nonrefundable $50.00 renewal fee, and refresher course certificates. Additional $15.00 fee for renewal applicants received after August 1.

855.50 - Contractor Licensing

b)(1) Specifies character references.

b)(3) Clarification of training.

c) Expiration date and duplicate license fee of $250.00.

d) Initial review fee of $250.00.

e) $500.00 license fee.

f) Reciprocity with other states.

g) Renewal applications, nonrefundable $500.00 fee and refresher course certificate.

855.55 - Supervisor Licensing and Responsibilities

a) Qualifications are changed to outline form for clarification.

b) Responsibilities are added.

855.280 - Fines and Penalties

Changed to person instead of contractor.

c) For person acting as asbestos professional, fines shall be assessed per violation, with six months suspension from making application for licensure.

855.290 - Asbestos Worker Licensing

a)(1)(3) Examination shall be passed at conclusion of the course.

b) Refresher course needed if certificate is expired.

d) Refresher course exam required, effective August 1, 1990. Two (2) years grace period for renewal instead of three (3) years.

855.300 - Training Course Accreditation

a) Inspector, management planner, project designer, contractor/supervisor and worker training courses shall be accredited by the Department. Air sampling professional training courses shall be registered with the Department. The Department will provide a list of accredited courses.

b) Training course providers shall apply for accreditation by submitting training course, review fee, and application.

b)(5) Refresher course requires examination, effective August 1, 1990.

c)(1) Requires $500.00 fee for training course application review.

c)(2) Requires $500.00 for renewal. $100.00 late fee.

c)(4) US EPA fully approved refresher course shall be grandfathered in with the receipt of $500.00 before August 1, 1990.

d)(1) Refresher course applicant must be accredited or an applicant of a training course specific to its' discipline.

d)(3) Requires $250.00 refresher course review fee.

d)(4) Requires $250.00 refresher course renewal fee.

d)(6) US EPA fully approved refresher course shall be grandfathered in with the receipt of $250.00 before August 1, 1990.

e) Two types of accreditation.

e)(1) Contingent accreditation.

e)(2) Full accreditation.

f) Fifteen (15) days to request a hearing if denied accreditation.

855.340 - Inspector Licensing

b) Clarification of qualifications.

855.350 - Management Planner Licensing and Responsibilities

c) Clarification of qualifications.

855.360 - Project Designer

c) Clarification of qualifications.

e) Responsibilities are further specified.

Appendix A: Illustration B - Notice of Asbestos Abatement - Requires Estimated Cost of Abatement to be included and also the Estimated Cost of the Total Project from Building Owner

Appendix C: Illustrations A through D and F - $50.00 fee is required with application

Appendix C: Illustration E - $500.00 fee is required with application

Appendix C: Illustration H - Application for Project Manager

Appendix C: Illustration I - Application for the Training Course Accreditations

Appendix C: Illustration J - Application for Refresher Course Accreditation

10) Are there any proposed amendments to this Part Pending?

Section Numbers	Proposed Action	Ill. Reg. Citation

11) Statement of Statewide Policy Objectives:

These proposed rule changes are being made to comply with amendments to the Asbestos Abatement Act. Section 855.30 is being repealed because Section 5 of the Act has been repealed. Sections 6, 10a and 12b of the Act require the Department to adopt rules for the collection of fees, to license all accredited positions and to assess Civil Penalties for licensees.

12) Information and Questions Regarding this Emergency Rule Amendment shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
(217) 782-6187

The full text of the Emergency Rules Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCE

PART 855
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE SCHOOLS IN ILLINOIS

Section
855.10 Incorporation by Reference-Federal Regulations and Other Standards
855.20 Definitions
855.30 School Inspection and Hazard Assessment (Repealed)
855.40 Application Requirements and Disciplinary Standards ~~Corrective-Action~~
855.50 Contractor Licensing ~~List~~
855.55 Supervisor's Licensing and Requirements
855.60 Submittals and Notices
855.70 Alternative Procedures and Variances
855.80 Personnel Protection
855.90 Workplace Entry and Exit Procedures
855.100 Equipment and Waste Container Removal Procedures
855.110 Building Protection
855.120 Materials and Equipment
855.130 Work Area Preparation and Demolition of a Facility
855.140 Worker Decontamination Enclosure System
855.150 Equipment Decontamination Enclosure System
855.160 Separation of Work Areas from Occupied Areas
855.170 Maintenance of Decontamination Enclosure Systems and Workplace Barriers
855.180 Commencement of Work
855.190 Removal Procedures
855.200 Encapsulation Procedures
855.210 Enclosure Procedures
855.220 Cleanup Procedures
855.230 Clearance Air Monitoring and Analysis
855.240 Disposal Procedures
855.250 Reestablishment of the Work Area and HVAC Systems
855.260 ~~Responsibilities of the~~ Asbestos Project Manager, Licensing and Responsibilities, Air Sampling Professional, Licensing and Responsibilities and Laboratory Services
855.270 Operations and Maintenance
855.275 Glovebag Procedures
855.280 Fines and Penalties
855.290 Asbestos Worker Licensing
855.300 ~~Training Requirements and~~ Training Course ~~Approval~~ Accreditation
855.310 Administrative Hearings
855.320 Emergency Stop Work Orders
855.330 State Funding and Priority Establishment
855.340 Inspector's Licensing ~~List~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

855.345 Procedures for School Inspections
855.350 Management Planner Licensing ~~Accreditation~~ and Responsibilities
855.355 Management Plan
855.360 Project Designer Licensing ~~Accreditation~~ and Responsibilities
855.370 Response Contractor Indemnification Fund
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Illustration F Application for ~~the~~ School Air Sampling Professional's License ~~List~~
Illustration G Application for the Asbestos Workers License
Illustration H Application for the School Project Manager License
Illustration I Application for Training Course Accreditation
Illustration J Application for Refresher Course Accreditation

AUTHORITY: Implementing and authorized by the Asbestos Abatement Act (Ill. Rev. Stat. 1987, ch. 122, par. 1401 et seq., as amended by P.A. 86-416, effective January 1, 1990.)

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective January 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989,

emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 855.20 Definitions

"Abatement" means procedures to control fiber release from asbestos-containing materials. This includes removal, encapsulation, enclosure and repair.

"Act" means the Asbestos Abatement Act (Section 10 of the Act).

"Aggressive Sampling" means a method of sampling in which the person collecting the air sample creates activity during the sampling period to stir up settled dust and simulate the activity of that area of the building.

"Air Sampling" means the process of measuring the fiber content of a known volume of air collected during a specific period of time. The procedure utilized for asbestos follows the NIOSH Standard Analytical Method for Asbestos in Air P&CAM 239 or Method 7400. In addition, transmission electron microscopy methods shall be utilized for lower detectability and specific fiber identification.

"Air Sampling Professional" means the professional contracted or employed by the School District or Building Owner to conduct air monitoring. This individual shall have a Bachelors Degree in the life, environmental or physical sciences or in engineering and three months of experience in general indoor air pollution sampling; or an individual without a degree shall have twelve months of experience in air sampling for asbestos on abatement projects. Both shall have completed NIOSH Course #582, "Sampling and Evaluating Airborne Asbestos Dust." or a course equivalent in length and content.

"Airlock" means a system for permitting entrance and exit with minimum air movement between a contaminated area and an uncontaminated area, consisting of two curtained doorways separated by a distance of at least 3 feet such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination (See Illustration D).

"Amended Water" means water to which a surfactant has been added to improve penetration and reduce fiber release.

"ANSI" means the American National Standards Institute, 1430

Broadway, New York, New York 10018.

"Area Air Sampling" means any form of air sampling or monitoring where the sampling device is placed at some stationary location. Area air sampling is conducted each day during an asbestos abatement project. Sampling locations include inside the work area, outside the work area, and outside the building.

"ASBESTOS" MEANS ~~NATURALLY-OCCURRING-HYDRATED-MINERAL-SILICATES SEPARABLE-INTO-COMMERCIALLY-USED-FIBERS--SPECIFICALLY~~ CHRYSOTILE, AMOSITE, CROCIDOLITE, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE (Section 3(a) of the Act).

"ASBESTOS ABATEMENT CONTRACTOR" MEANS ANY PERSON THAT ENGAGES IN THE REMOVAL, ENCLOSURE, OR ENCAPSULATION OF ASBESTOS CONTAINING MATERIALS FOR ANY SCHOOL. (Section 3(h) of the Act).

"Asbestos-Containing Building Materials or (ACBM)~~(ACM)~~"~~-means material-composed-of-asbestos-of-any-type-and-in-an-amount-greater than-1%-by-weight,-either-alone-or-mixed-with-other-fibrous-or nonfibrous-materials.~~ surfacing asbestos containing material or ACM, thermal system insulation ACM or miscellaneous ACM that is found in or on interior structural members or other parts of a school building. (Section 3(f) of the Act).

"Asbestos-Containing Waste Material" means asbestos-containing material or asbestos-contaminated objects requiring disposal pursuant to Section 855.130.

"ASBESTOS INSPECTOR" MEANS AN INDIVIDUAL LICENSED BY THE DEPARTMENT TO PERFORM INSPECTIONS OF SCHOOLS FOR THE PRESENCE OF ASBESTOS CONTAINING MATERIALS. (Section 3(u) of the Act).

"Asbestos Material Manager" means an individual designated as the Building Owner's representative and responsible for the school's operations and maintenance plan.

"ASBESTOS MATERIALS" MEANS MATERIALS FORMED BY MIXING ASBESTOS FIBERS WITH OTHER PRODUCTS, INCLUDING BUT NOT LIMITED TO ROCK WOOL, PLASTER, CELLULOSE, CLAY, VERMICULITE, PERLITE AND A VARIETY OF ADHESIVES, AND WHICH CONTAIN MORE THAN 1% ASBESTOS BY WEIGHT. SOME OF THESE MATERIALS MAY BE SPRAYED ON SURFACES OR APPLIED TO SURFACES IN THE FORM OF PLASTER OR A TEXTURED PAINT. (Section 3(b) of the Act).

"Asbestos Professional" means an individual who is licensed by the Department to perform duties of contractor, inspector, management planner, project designer, project manager, project supervisor, air sampling professional, or worker, as applicable.

"Asbestos Project Manager" means an individual designated as the Building Owner's representative and responsible for overseeing the asbestos abatement and project activities. This individual shall have successfully completed a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA approved courses.

"ASBESTOS WORKER" MEANS AN INDIVIDUAL WHO CLEANS, REMOVES, ENCAPSULATES, ENCLOSES, HAULS OR DISPOSES OF FRIABLE ASBESTOS MATERIAL FROM SCHOOLS AS DEFINED IN THIS ACT (Section 3(p) of the Act).

"ASTM" means the American Society For Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

"Authorized Visitor" means the building owner, and any representative of a regulatory or other agency having jurisdiction over the project.

"Background Level Monitoring" means a method used to determine airborne asbestos fiber concentrations inside and outside a building prior to starting an asbestos abatement project.

"Building Owner" means the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance the Building Owner means the person in whom beneficial title is vested.

"Certified Industrial Hygienist (C.I.H.)" means an industrial hygienist certified by the American Board of Industrial Hygiene.

"Clean Room" means an uncontaminated area or room which is a part of the worker decontamination enclosure with provisions for storage of workers' street clothes and protective equipment.

"Clearance Air Monitoring" means the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers upon conclusion of an asbestos abatement project.

"Contained Area" means a work area with a decontamination enclosure system for the controlled passage of workers, other personnel and authorized visitors.

~~"CONTRACTOR" MEANS AN ENTITY THAT ENGAGES IN CORRECTIVE ACTION SERVICES FOR ANY SCHOOL (Section 3(g) of the Act).~~

~~"COUNCIL" MEANS THE ASBESTOS ABATEMENT COUNCIL (Section 3(f) of the~~

~~Act).~~

"Curtained Doorway" means a device which consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

"Decontamination Enclosure System" means a series of connected rooms, separated from each other by air locks, for the decontamination of workers, materials and equipment (See Appendix A: Illustration D).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH (Section 3(km) of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF ~~THE DEPARTMENT OF~~ PUBLIC HEALTH. (Section 3(~~i~~n) of the Act).

"Encapsulant (sealant)" means a liquid material which can be applied to asbestos-containing material and which temporarily controls the possible release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant).

"ENCAPSULATION" MEANS ~~THE COATING OR SPRAYING OF ASBESTOS MATERIAL WITH A SEALANT~~ THE TREATMENT OF ACBM WITH A MATERIAL THAT SURROUNDS OR EMBEDS ASBESTOS FIBERS IN AN ADHESIVE MATRIX TO PREVENT THE RELEASE OF FIBERS, AS THE ENCAPSULANT CREATES A MEMBRANE OVER THE SURFACES (BRIDGING ENCAPSULANT OR PENETRATES THE MATERIAL AND BINDS ITS COMPONENTS TOGETHER (PENETRATING ENCAPSULANT). (Section 3(~~l~~j) of the Act).

"ENCLOSURE" MEANS THE CONSTRUCTION OF AIR TIGHT WALLS AND CEILINGS BETWEEN THE ASBESTOS MATERIAL AND THE EDUCATIONAL FACILITY ENVIRONMENT, OR AROUND SURFACES COATED WITH ASBESTOS MATERIALS, OR ANY OTHER APPROPRIATE SCIENTIFIC PROCEDURE AS DETERMINED BY THE DEPARTMENT WHICH PREVENTS THE RELEASE OF ASBESTOS MATERIALS. (Section 3(k~~i~~) of the Act).

"EPA" means the Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

"Equipment Decontamination Enclosure" means that portion of a decontamination enclosure system designed for the controlled transfer of materials and equipment, consisting of a washroom and a holding

area.

"Equipment Room" means a contaminated area or room which is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

"Fixed Object" means a unit of equipment or furniture in the work area which cannot be removed from the work area.

"FRIABLE" WHEN REFERRING TO MATERIAL IN A SCHOOL BUILDING MEANS THAT THE MATERIAL, WHEN DRY, MAY BE CRUMBLED, PULVERIZED, OR REDUCED TO POWDER BY HAND PRESSURE, AND INCLUDES PREVIOUSLY NONFRIABLE MATERIALS AFTER SUCH PREVIOUSLY NONFRIABLE MATERIAL BECOMES DAMAGED TO THE EXTENT THAT, WHEN DRY, IT MAY BE CRUMBLED, PULVERIZED, OR REDUCED TO POWDER BY HAND PRESSURE. (Section 3(g) of the Act). ~~"FRIABLE ASBESTOS-MATERIAL" MEANS ANY MATERIAL APPLIED ONTO CEILINGS, WALLS, STRUCTURAL MEMBERS, PIPING, DUCTWORK, OR ANY OTHER PART OF THE BUILDING STRUCTURES WHICH, WHEN DRY, MAY BE CRUMBLED, PULVERIZED OR REDUCED TO POWDER BY HAND PRESSURE (Section 3(d) of the Act).~~

"FRIABLE MATERIAL CONTAINMENT" MEANS THE ENCAPSULATION OR ENCLOSURE OF ANY FRIABLE ASBESTOS MATERIAL IN A FACILITY. (Section 3(jh) of the Act).

"Glovebag Technique" means a method for removing three (3) linear feet or less of friable asbestos-containing material from heating, ventilation, and air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces in a noncontained work area. The glovebag assembly is a manufactured device consisting of a glovebag (constructed of 6-mil transparent plastic), two inward-projecting longsleeve rubber gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

"HEPA" means high efficiency particulate air.

"HEPA Filter" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter system.

"Holding Area" means a chamber in the equipment decontamination

enclosure located between the washroom and an uncontaminated area.

"Homogeneous Material" means a substance that is uniform in structure and composition throughout which comprises a unique sample area. (e.g. boiler insulation is a separate sample area, pipe joint insulation is a separate sample area, corrugated pipe insulation is a separate sample area.

"Homogeneous Work Area" means a site within the abatement work area which contains one type of asbestos-containing material and where one type of abatement is used.

"MANAGEMENT PLAN" MEANS A PLAN DEVELOPED FOR A LOCAL EDUCATIONAL AGENCY FOR THE MANAGEMENT OF ASBESTOS IN ITS SCHOOL BUILDINGS PURSUANT TO THE FEDERAL ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986 AND THE REGULATIONS PROMULGATED THEREUNDER. (Section 3(r) of the Act). ~~the inspection report, laboratory (LAB) analyses and response actions to be taken by the Local Education Agency (LEA) when Asbestos Containing Materials (ACM) is in the building.~~

"MANAGEMENT PLANNER" MEANS AN INDIVIDUAL LICENSED ~~THE PERSON AGGREDITED~~ BY THE DEPARTMENT TO ~~WRITE ASBESTOS~~ PREPARE MANAGEMENT PLANS. (Section 3s) of the Act). ~~FOR THE LOCAL EDUCATION AGENCY (LEA).~~

"Movable Object" means a unit of equipment or furniture in the work area which can be removed from the work area.

"Negative Air Pressure Equipment" means a portable local exhaust system equipped with HEPA filtration. The system shall be capable of maintaining a constant, low velocity airflow from contaminated areas into adjacent uncontaminated areas, creating a negative pressure differential between the outside and inside of the work area.

"NESHAPS" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

"NIOSH" means the National Institute for Occupational Safety and Health CDC - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.

"NONFRIABLE" MEANS MATERIALS IN A SCHOOL BUILDING WHICH, WHEN DRY, MAY NOT BE CRUMBLED, PULVERIZED, OR REDUCED TO POWDER BY HAND PRESSURE. (Section (3q) of the Act).

"Operations and Maintenance" means a simple cost or no cost program of work to keep a building and its component parts in a state of good repair.

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"OSHA" means the Occupational Safety and Health Administration, 200 Constitution Avenue, Washington, DC 20210.

"Outside Air" means the air outside buildings and structures.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, asbestos professional, public school districts, private schools or any other entity.

"Personal Air Monitoring" means a method used to determine employees' exposure to airborne fibers. The sample is collected outside the respirator in the worker's breathing zone. This form of sampling is required by the OSHA asbestos standards (29 CFR 1910.1001).

"Plasticize" means to cover floors and walls with plastic sheeting as herein specified or by using spray plastics as recommended by the Department through a variance request.

"Project" means work that is greater than three linear feet or three square feet being conducted in a school facility .

"Project Activities" means activities taking place when the contractor or his designee and supplies and equipment for asbestos abatement are present at the abatement site.

"PROJECT DESIGNER" MEANS AN INDIVIDUAL LICENSED ~~THE PERSON ACCREDITED~~ BY THE DEPARTMENT TO ~~PLAN THE ASBESTOS ABATEMENT PROJECTS FOR THE LEA.~~ DESIGN RESPONSE ACTIONS FOR SCHOOL BUILDINGS. (Section 3(t) of the Act).

"Removal" means the stripping of any asbestos-containing materials from surfaces or components of a facility or taking out structural components in accordance with 40 CFR 61 Subparts A and M.

"Repair" means to rewrap or tape damaged pipe and boiler insulation.

"RESPONSE ~~CORRECTIVE~~ ACTION" MEANS A METHOD, INCLUDING REMOVAL, ENCAPSULATION, ENCLOSURE, REPAIR, OPERATIONS AND MAINTENANCE, THAT PROTECTS HUMAN HEALTH AND THE ENVIRONMENT FROM FRIABLE ACBM. ~~REMOVAL, ENCAPSULATION, OR ENCLOSURE, AND WHERE NO SIGNIFICANT HEALTH HAZARD EXISTS, REPAIR OR MAINTENANCE OF FRIABLE ASBESTOS MATERIAL IN AN EDUCATIONAL FACILITY~~ (Section 3(e) of the Act).

"RESPONSE ACTION CONTRACTOR" MEANS ANY ENTITY THAT ENGAGES IN RESPONSE ACTION SERVICES FOR ANY SCHOOL. (Section 3(i) of the Act).

"SCHOOL" MEANS ANY SCHOOL DISTRICT OR PUBLIC, PRIVATE OR NONPUBLIC

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DAY OR RESIDENTIAL EDUCATIONAL INSTITUTION THAT PROVIDES ELEMENTARY OR SECONDARY EDUCATION FOR GRADE 12 OR UNDER. (Section 3(c) of the Act).

"School Board" means the corporate body established by law to govern the school district.

"SCHOOL BUILDING"

(1) ANY STRUCTURE SUITABLE FOR USE AS A CLASSROOM, INCLUDING A SCHOOL FACILITY SUCH AS A LABORATORY, LIBRARY, SCHOOL EATING FACILITY, OR FACILITY USED FOR THE PREPARATION OF FOOD. (2) ANY GYMNASIUM OR OTHER FACILITY WHICH IS SPECIALLY DESIGNED FOR ATHLETIC OR RECREATIONAL ACTIVITIES FOR AN ACADEMIC COURSE IN PHYSICAL EDUCATION. (3) ANY OTHER FACILITY USED FOR THE INSTRUCTION OR HOUSING OF STUDENTS OR FOR THE ADMINISTRATION OF EDUCATIONAL OR RESEARCH PROGRAMS. (4) ANY MAINTENANCE, STORAGE, OR UTILITY FACILITY, INCLUDING ANY HALLWAY ESSENTIAL TO THE OPERATION OF ANY FACILITY DESCRIBED IN THIS DEFINITION OF "SCHOOL BUILDING" UNDER ITEMS (1), (2), OR (3). (5) ANY PORTICO OR COVERED EXTERIOR HALLWAY OR HALLWAY. (6) ANY EXTERIOR PORTION OF A MECHANICAL SYSTEM USED TO CONDITION INTERIOR SPACE. (Section 3(qe) of the Act).

~~"EDUCATIONAL FACILITY" MEANS:~~

~~STRUCTURES USED FOR THE INSTRUCTION OF SCHOOL CHILDREN, INCLUDING CLASSROOMS, LABORATORIES, LIBRARIES, RESEARCH FACILITIES AND ADMINISTRATIVE FACILITIES.~~

~~SCHOOL EATING FACILITIES, AND SCHOOL KITCHENS.~~

~~GYMNASIUMS OR OTHER FACILITIES USED FOR ATHLETIC OR RECREATIONAL ACTIVITIES, OR FOR COURSES IN PHYSICAL EDUCATION.~~

~~DORMITORIES OR OTHER LIVING AREAS OF RESIDENTIAL SCHOOLS.~~

~~MAINTENANCE, STORAGE OR UTILITY FACILITIES ESSENTIAL TO THE OPERATION OF THE FACILITIES DESCRIBED IN THE FOUR SUBSECTIONS ABOVE~~

"SCHOOL PERSONNEL" MEANS ANY EMPLOYEE OF A SCHOOL. (Section 3(om) of the Act).

"Shall" means the stated provision is mandatory.

"Shower Room" means a room between the clean room and the equipment room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

"Staging Area" means the area near the waste transfer airlock where containerized asbestos waste has been placed prior to removal from the work area.

"Strip" means to remove friable or nonfriable asbestos materials from any part of the facility.

"Structural Member" means any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

"STUDENT" MEANS ANY STUDENT ENROLLED IN A SCHOOL. (Section 3(pa) of the Act).

"Supervisor" means the contractor, foreman or person designated as the contractor's representative who is responsible for the onsite supervision of the removal, encapsulation, or enclosure of friable or nonfriable asbestos-containing material in an educational facility. This individual shall be licensed as an asbestos worker and supervisor.

"Surfactant" means a chemical wetting agent that when added to water will improve penetration and reduce fiber release.

"Tent Containment Area" means the plastizing around the glovebag area with one layer of 6-mil plastic in the shape of a triangle or rectangle with enclosed ends.

"Visible Emissions" means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments.

"Washroom" means a room between the work area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned or HEPA vacuumed prior to disposal.

"Wet Cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water, and by afterward disposing of these cleaning tools as asbestos contaminated waste.

"Work Area" means designated rooms, spaces, or areas where any aspect of an abatement project is being conducted. ~~asbestos is being removed, enclosed or encapsulated (See Illustration D).~~

"Worker Decontamination Enclosure System" means that portion of a decontamination enclosure system designed for controlled passage of workers, other personnel and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other and from the work area by airlocks and curtained doorways.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.30 School Inspection and Hazard Assessment (Repealed)

~~a) The Department shall conduct inspections of schools in the State to determine the presence of friable asbestos containing materials. The presence of friable asbestos containing materials shall be determined by inspections which include the collection of samples. To determine asbestos content of friable materials, bulk samples shall be analyzed by polarized light microscopy (PLM). Samples shall be analyzed by a laboratory participating in the EPA bulk asbestos sample quality assurance program.~~

~~b) The Department shall determine when the presence of friable asbestos containing materials poses a significant health hazard to school personnel or students. Such a determination shall be based upon information collected during the school inspection which shall include assessment of the following factors: material condition, water damage, exposed surface area, accessibility, room activity, air plenum or air stream, friability and asbestos content.~~

~~1) The presence of friable asbestos containing materials shall be considered a significant health hazard when the asbestos content is greater than 1% and when the materials are subject to the following conditions:~~

~~A) Damage or deterioration (e.g. evidence of cracking, delamination, or erosion);~~

~~B) A high potential for future damage, disturbance or erosion because the materials are accessible to students (e.g. exposed area that can be disturbed by touch);~~

~~C) Vibration due to a high level of student activities (e.g. music, recreational, vocational training areas);~~

~~D) Any of the conditions in Section 855.30(b)(1)(A), (B), or (C) in the air stream or plenum.~~

~~2) The presence of friable asbestos containing pipe and boiler insulation shall be considered a significant health hazard when the asbestos content is greater than 1% and the materials are~~

~~excessively-damaged-and-deteriorated-(e.g.-the-pipe-wrap-is-torn and-the-asbestos-containing-materials-are-cracked-or-broken-and the-materials-are-separated-from-the-substrate).--Undamaged-and undeteriorated-pipe-and-boiler-insulation-shall-not-be considered-friable.--However,-such-insulation-shall-be considered-to-be-asbestos-containing-and-shall-be-labeled-as asbestos-pursuant-to-Section-855.270(e).~~

(Source: Emergency repealer at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

~~--Corrective-Action--~~

Section 855.40 Application Requirements and Disciplinary Standards

~~a) If-the-Department-determines-that-friable-asbestos-containing materials-are-present-in-an-educational-facility,-the-Department shall-order-the-School-Board-or-Building-Owner-to-take-corrective action-in-accordance-with-the-rules-of-this-Part.--Corrective-Action shall-be-as-follows:~~

~~1) Friable-asbestos-containing-surfacing-and-ceiling-materials shall-be-removed-when-determined-to-be-a-significant-health hazard-under-Section-855.30(b).~~

~~2) Friable-and-slightly-friable-(e.g.,-cementitious) asbestos-containing-surfacing-and-ceiling-materials-shall-be encapsulated-or-an-operations-and-maintenance-program-instituted in-accordance-with-Section-855.270-when-the-conditions-in Section-855.30(b)-do-not-exist.~~

~~3) Friable-asbestos-containing-pipe-and-boiler-insulation-shall-be removed-when-determined-to-be-a-significant-health-hazard-under Section-855.30(b).--In-all-other-cases,-friable asbestos-containing-pipe-and-boiler-insulation-shall-be-repaired.~~

~~4) An-enclosure-may-be-used-in-lieu-of-encapsulation-or-repair-when asbestos-containing-materials-are-located-in-a-small-area-(e.g., a-column,-vertical-pipe).~~

~~b) If-asbestos-containing-materials-are-encapsulated,-enclosed-or repaired,-an-operations-and-maintenance-program-shall-be-instituted in-accordance-with-Section-855.270.~~

a) The following requirements apply only to Sections 855.55, 855.260, 855.340, 855.350, 855.360.

b) All licenses shall expire on July 31 of each year except licenses issued after March 31 and before August 1 shall expire on July 31 of the following year. The licensee shall be charged a fee of $15.00 for the issuance of a duplicate license.

c) Application. Each person desiring licensure shall make application on forms provided by the Department. Each application shall be accompanied by a $50.00 fee and the requirements listed in each licensed discipline section. The Department shall have 60 days to process the application and issue a license.

d) Reciprocity. Each applicant for licensure who is licensed or certified in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in this State. Each applicant for licensure pursuant to this section shall submit an application accompanied by a $50.00 fee. Reciprocity of Architectural, Engineering and Structural Engineering license shall be issued by the Illinois Department of Professional Regulation before applying for a project designer license.

e) Renewal of license. Any license issued pursuant to these rules may be renewed if the licensee submits the renewal application, a $50.00 fee, and a certificate of completion from either a US EPA or state accredited refresher course for that discipline. These shall be submitted at least 30 days prior to the expiration date of the license. (The Project Designer licensee must also submit certificates of completion from both a US EPA or state accredited half-day refresher course for inspectors and a US EPA or state accredited half-day refresher course for management planners.) Effective August 1, 1990, passing the refresher course examination will be required. The refresher course shall have been completed within one year prior to the date of application or license expiration date. If a renewal application is received after July 1, the applicant shall pay a late fee of $15.00 in addition to a renewal fee of $50.00. An applicant whose license has expired for a period less than two (2) years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees, plus a reinstatement fee of $15.00. A license which has expired for more than two (2) years may be restored only by successfully passing a US EPA or state approved course as required in subsection (c)(1)(2). Effective January 1, 1990 to May 1, 1990 all accreditation will expire on July 31, 1990.

f) The Department shall provide written notice via certified mail of its decision to deny inclusion on or remove a person from the list of licensed asbestos disciplines. The applicant shall have fifteen (15)

days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon one or more of the following reasons:

1) The person has falsified information on the application for licensure.

2) The person performing duties outside the areas for which he is licensed.

3) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.

4) The person has violated any provision of the Asbestos Abatement Act or any provision of the rules of this Part.

5) The person has violated the registration and license standards for Professional Engineers, Structural Engineers, Architects and Certified Industrial Hygienists.

(Source: Section Repealed, New Section adopted emergency action at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.50 Contractor Licensing ~~List~~

a) The Department shall prepare and maintain a list of licensed ~~certified~~ asbestos abatement contractors. The list shall be made available to all School Boards or Building Owners and shall be used to select an asbestos abatement contractor. The contractor shall possess the qualifications detailed in Section 855.50(b).

b) A Contractor who wishes to be included on the Department's list of licensed ~~certified~~ asbestos abatement contractors shall submit the following information to the Department:

1) A list of 3 character references.

2) A CERTIFICATE OF FINANCIAL RESPONSIBILITY DOCUMENTING THAT THE CONTRACTOR CARRIES LIABILITY INSURANCE, SELF INSURANCE, GROUP INSURANCE, GROUP SELF INSURANCE, A LETTER OF CREDIT, OR A BOND IN THE AMOUNT OF AT LEAST $500,000 FOR WORK PERFORMED PURSUANT TO THE ASBESTOS ABATEMENT ACT AND RULES. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE STATUS OF THE CERTIFICATE WHICH HAS BEEN FILED INCLUDING EXPIRATION, RENEWAL OR ALTERATION OF THE TERMS OF THE CERTIFICATE (Section 15(a) of the Act).

3) Evidence of successful completion, including passing the examination, of a US EPA or state approved contractor/supervisor four (4) day training course. ~~training course and examination by the Contractor and designated supervisors covering the practices and procedures for asbestos control equivalent in length and content to the EPA funded courses.~~ If the contractor/supervisor course was taken more than one year prior to application, a copy of a certificate of completion from an approved one day (8 hour) contractor/supervisor refresher course must be provided with the application. Each contractor shall maintain on file with the Department a list of employed supervisors meeting the requirements of Section 855.55.

4) Evidence that asbestos workers have an "Asbestos Worker License" as required by Section 855.290.

5) A list of prior contracts for asbestos abatement projects, including dates, names, addresses, and telephone numbers of building owners for whom the projects were performed. A Contractor shall have a minimum of one year experience in asbestos abatement contracting. A new contractor is eligible to qualify if employer references demonstrate a minimum of one year experience in asbestos abatement project supervision, or by employing a supervisor with a minimum of one year experience in asbestos abatement project supervision. Evidence of experience must accompany the application. Affidavit of experience will be submitted from persons who you supervised including architects, engineers, project managers, air sampling professionals and representatives of owners for whom projects were performed.

6) Evidence of air monitoring data taken during and after completion of previous asbestos abatement projects in accordance with 29 CFR 1910.1001(e). Provide evidence of final air monitoring results from ten (10) complete asbestos abatement projects. Evidence of air monitoring data must have the name of the company who analyzed the final air monitoring results. All final results shall be below .01 f/cc.

7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.1001.

8) A description of any asbestos abatement projects which were prematurely terminated or not completed, including the circumstances surrounding termination.

9) A list of any contractual penalties which the contractor has

paid for breach or noncompliance with contract specifications, such as overruns of completion time or liquidated damages.

10) Copies of any and all citations levied against the contractor by any Federal, state or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date(s), and a description of how the allegations were resolved.

11) A description detailing all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his past or present employees for asbestos-related activities.

12) A Gcompleted ~~the Department's~~ application.

c) All licenses shall expire on July 31, of each year except licenses issued after March 31, and before August 1, shall expire on July 31, of the following year. The licensee shall be charged a $15.00 fee for the issuance of a duplicate license.

d) Application. Each company desiring licensure as an asbestos abatement contractor shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a $250.00 fee for the initial review. The Department shall process the application within 120 days.

e) Successful applicants must submit to the Department a $500.00 fee to be included on the list of IDPH licensed contractors.

f) Reciprocity. Each applicant for licensure who is licensed or certified for asbestos contracting in another state may request the Department for licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in this State. Each applicant for licensure pursuant to this subsection shall submit an application accompanied by a $750.00 fee.

g) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and $500.00 fee required by subsection (c), a certificate of completion from an approved one day (8 hour) contractor/supervisor refresher course, and a current insurance certificate within thirty (30) days prior to expiration of the license. The refresher course shall have been completed within one year prior to the license expiration date. If a

renewal application is received after July 1, the applicant shall pay a late fee of $100.00 in addition to the renewal fee. An applicant whose license has expired for a period less than two (2) years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed licensed fees, plus a reinstatement fee of $100.00. A license which has expired for more than two (2) years may be restored only by reapplying.

he) The Department shall provide written notice, via certified mail, of it's decision to deny inclusion on or remove a Contractor from the list of asbestos abatement contractors. The applicant shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

1) Conviction of the Contractor, or if the Contractor is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of any person designated to manage or supervise the asbestos abatement activities, of a felony, or two or more misdemeanors involving fraudulent activities, or of laws relating to construction or the building trades in general in the last five years.

2) The licensure status or record of the Contractor, or if the Applicant is a firm, partnership or association, of any of its members, or if a corporation, of any of its officers or directors, or of any person designated to manage or supervise the asbestos abatement activities, in Illinois or from any other state where the Applicant has done business in a similar capacity which indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health.

3) The Contractor has failed to complete an asbestos abatement project due to insufficient financial resources to operate and conduct the asbestos abatement activities.

4) Violation of any provision of the Asbestos Abatement Act or of any provision of the rules of this Part.

~~d) The contractor shall submit evidence of retraining which includes an eight (8) hour (one day) annual refresher course covering the practice and procedures for asbestos control. The Department will accept as evidence of retraining, a certificate of completion from an EPA approved course.~~

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990,

for a maximum of 150 days)

Section 855.55 Supervisor's Licensing and Requirements

~~The supervisor shall submit to the Department evidence of the following requirements:~~

a) ~~A completed application.~~ The Department shall issue a "Supervisor License" to qualified applicants. In order to qualify, an applicant shall:

1) Provide evidence that the applicant is a licensed asbestos worker.

2) Submit to the Department a certificate of successful completion of a US EPA or state approved contractor/supervisor four (4) day training course. If the contractor/supervisor course was taken more than one year prior to application, a copy of a certificate of completion from an approved one day (8 hour) contractor/supervisor refresher course shall also be provided.

3) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without the identification photograph.

~~b) Successful completion of a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA approved courses. All EPA approved courses may be found in the October 30, 1987, and the February 10, 1987, Federal Register. The Department will develop a list of EPA approved courses and will make it available upon written request.~~

~~c) Retraining which includes an eight (8) hour (one day) annual refresher course covering the practices and procedures for asbestos control.~~

b) The Asbestos Project Supervisor shall be the contractor's designated representative who is licensed by the State of Illinois, and shall be responsible for carrying out the following activities:

1) Assist in decision-making regarding selection of procedures.

2) Review variance requests in accordance with Section 855.70.

3) Ensure that all project activities are conducted in accordance with the requirements of the Act and those rules.

4) Supervise project activities at all times during the course of the abatement.

5) Meet with Project Manager daily to review work progress and solve problems or adjust procedures as appropriate.

c) One project supervisor per contained area is required.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.260 ~~Responsibilities of the~~ Asbestos Project Manager, Licensing and Responsibilities, Air Sampling Professional, Licensing and Responsibilities and Laboratory Services

a) Asbestos Project Manager

1) The Department shall issue an "Asbestos Project Manager License" to qualified applicants. In order to qualify an applicant shall: ~~The Asbestos Project Manager shall submit to the Department evidence of successful completion of a training course and examination covering the practices and procedures for asbestos control equivalent in length and content to the EPA funded courses. The Asbestos Project Manager shall provide the Department evidence of one year, on site, working experience in building construction projects or three months, on site, working experience on asbestos abatement projects. Retraining for the Asbestos Project Manager shall include providing the Department with a certificate of an eight (8) hour (one day) annual refresher course of continuing education specifically covering the practice and procedures of asbestos.~~

A) Submit to the Department a certificate of successful completion of a US EPA or state approved contractor/supervisor four (4) day training course and examination. If the contractor/supervisor course was taken more than one year prior to application, a copy of a certificate of completion from a US EPA or state approved one day (8 hour) contractor/supervisor refresher course shall be submitted.

B) Provide the Department evidence of one year, on-site working experience in building construction projects or three months, on-site, working experience assisting the licensed project manager on asbestos abatement projects.

C) Submit a completed application to the Department.

D) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without the identification photograph.

~~Complete an application and submit it to the Department.~~

2) The Asbestos Project Manager shall be the Building Owner or a designated representative, and shall be responsible for carrying out the following activities:

A) Assist in decision making regarding selection of procedures.

B) Assist in writing contract specifications and variance requests for the abatement project(s).

C) Assist in evaluation of bids and selection of a contractor.

D) Enforce contract specifications.

E) Inspect and approve barriers and decontamination enclosure systems.

F) Observe project activities at all times during the course of abatement.

G) Meet with the Contractor daily to review work progress and solve problems or adjust procedures as appropriate.

H) Perform all workplace inspections and clearance inspections for the Building Owner.

I) Report on abatement activities to the Building Owner and/or School Board.

J) Request, review and maintain Contractor submittals according to Sections 855.60 and 855.180.

K) The Project Manager shall go inside the abatement project at least once every two hours to inspect ongoing removal of asbestos containing material.

3) One Project Manager shall be required per contained area.

4) The Asbestos Project Manager shall have the authority to stop any job activities not performed in accordance with contract specifications and any provisions of the rules of this Part. The Building Owner and Department shall be notified verbally, within 24 hours of the work stoppage, by the Asbestos Project

Manager. A written report shall follow reported to the Building Owner with a description of the activity, reason for stoppage and possible means for correcting the problem.

Agency Note: The Asbestos Project Manager should be selected as early as possible prior to selection of the Contractor to enable participation during the pre-bid conference, walk-through, and pre-construction conference.

5) The Asbestos Project Manager shall keep a daily log of onsite observations concerning contractor's compliance with activities required under the rules of this Part. This log shall be legible and made available upon request at all times to the School Board or Building Owner, the architect/engineer and to appropriate local, sState and federal agencies.

6) A comprehensive final report, consisting of observations, air monitoring results and contractor's submittals according to Sections 855.60 and 855.180 shall be submitted to the School Board or Building Owner, the Contractor, and the Department within 20 working days following final clearance testing.

b) Air Sampling Professional (ASP)

1) The Department shall issue an "Air Sampling Professional License" to qualified applicants. In order to qualify, an applicant shall: ~~The Air Sampling Professional shall submit to the Department a resume indicating evidence of successful completion of NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content, a Bachelor's Degree in the life, environmental or physical sciences or in engineering and three months of experience in general indoor air pollution sampling; or in lieu of Degree shall have twelve months of experience in air sampling for asbestos on abatement projects.~~

A) Submit to the Department a certificate of successful completion of the NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust" or a course equivalent in length and content.

B) Submit to the Department a copy of a transcript and evidence of obtaining a Bachelor's Degree in the life, environmental or physical sciences or in engineering. Certified Industrial Hygienists may in lieu of a degree submit their American Board of Industrial Hygienist Certificate.

C) Submit to the Department written verification of 3 months experience in general indoor air pollution sampling; or in lieu of a degree, written verification of 12 months on-site experience in air sampling for asbestos on abatement projects.

E) Submit a completed application to the Department.

F) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without the identification photograph.

~~2) Complete an application and submit it to the Department.~~

23) The Air Sampling Professional shall conduct or supervise all air sampling for the School Board or Building Owner.

34) The ~~ASP~~ Air Sampling Professional shall conduct air sampling in accordance with the (NIOSH) National Institute for Occupational Safety and Health Method 7400.

45) At any time, Aair Ssampling Ppprofessional may analyze air monitoring samples collected for clearance purposes by Phase Contrast Microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of Asbestos containing building materials (ACBM) that is less than or equal to 160 square feet or 260 linear feet.

~~6) Until October 7, 1989, air sampling professional may analyze air monitoring samples collected for clearance purposes by Phase Contrast Microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of ACBM that is less than or equal to 3,000 square feet or 1,000 linear feet.~~

57) From October 8, 1989, to October 7, 1990, air sampling professional may analyze air monitoring samples collected for clearance purposes by PCM to confirm completion of removal, encapsulation, or enclosure of ACBM that is less than or equal to 1,500 square feet or 500 linear feet.

68) All projects larger than subsection (b)(56) ~~and (b)(7)~~ of this section shall be analyzed by Transmission Electron Microscopy (TEM). See Section 855.230 clearance air monitoring and analysis and October 30, 1987 Federal Register for more information.

79) The following schedule shall be utilized for air sampling during the project in addition to OSHA compliance monitoring:

A) Background air samples shall be collected prior to the start of abatement activities in order to determine background airborne fiber concentrations. Samples shall be taken both inside and outside of the work area to establish existing levels.

B) The following schedule of samples shall be required on a daily basis once abatement activities begin. The size of the abatement activity will have impact on the number of samples necessary to monitor the Contractor's activities. The following are required minimums:

i) 2 Area Samples inside the work area including worker and equipment decontamination enclosure systems,

ii) 2 Personal Samples inside the work area,

iii) 2 Area Samples outside the work area in uncontaminated areas of the building including one at the entrance to the worker decontamination enclosure,

iv) 1 Area Sample at the exhaust of negative pressure ventilation equipment.

C) Agency Note: Decisions on the number of samples should be made with the advice of the Air Sampling Professional.

810) Area sampling shall be conducted using collection media and procedures in accordance with ~~NIOSH Standard Analytical Methods P&CAM 239~~ or NIOSH Method 7400. The selected air volumes shall provide statistically reliable results for a concentration of 0.01 f/cc or lower. Air samples shall be analyzed by Phase Contrast Microscopy or TEM depending on the size of the project.

911) Clearance air sampling shall be conducted following the cleaning phase of work (see Section 855.230). A sufficient number of samples shall be collected aggressively with portable fans circulating air in the work area to simulate actual use conditions to determine post-abatement air concentrations.

c) Laboratory Services

1) The laboratory utilized for analyzing air samples shall be proficient in the NIOSH Proficiency Analytical Testing (PAT) or Asbestos Analyst Registry (AAR) program for asbestos analysis.

2) The period of time permitted between the collection of air

samples and the availability of results shall be less than 24 hours for samples collected during abatement activities. Timetables for results of background and clearance air samples shall be established by the School Board or Building Owner.

d) Project Manager/Air Sampler Duties Combined

The Project Manager and Air Sampling Professional shall be two separate individuals for each project unless approved by the Department through a variance request.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.280 Fines and Penalties

a) In addition to any other action authorized by the Act and this Part, the Department may assess fines against the person ~~Contractor~~ for violation of any provision of the Act or this Part ~~rules~~. The Department shall review each inspection report and stop work order according to criteria provided by this section to determine whether a fine will be assessed, the amount of any such fine, and whether each day of violation shall constitute a separate violation for purposes of fine assessment.

b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed.

1) Whether a stop work order has been issued by the Department, and whether such order was strictly complied with by the person ~~Contractor~~.

2) Whether the person ~~Contractor~~ has previously been cited for a violation of the Act or rules, except that any previously cited violation shall not be considered if such violation was held to be unfounded or unapproved by a final order of the Department or by a court of competent jurisdiction, or if any previous citations for violations occurred more than three (3) years prior.

3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment, to the person's ~~Contractor's~~ agents or employees, to the Building Owner, users, or occupants, or to the general public.

4) Whether the violation appears to be the result of any degree of negligence by the person ~~Contractor~~ or by the person's ~~Contractor's~~ agents or employees ~~or by any other person~~

~~subject to the Contractor's control or supervision~~.

5) Whether the person ~~Contractor~~ demonstrated good faith efforts (e.g. taking steps to correct or agreeing to correct the cited violations) to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation.

c) Criteria to determine the amount of a fine are the following, and all amounts determined pursuant to the criteria shall be added together to determine the total fine against the person ~~Contractor~~:

1) For each stop work order $1,000, plus $1,500 per work day during which such order is in effect and during which the condition upon which the order is based remains uncorrected.

2) For each violation which in the opinion of the Department may cause or result in harm or injury to the health or safety of agents or employees of the person ~~Contractor~~ present at the work site $100, multiplied by the number of such agents or employees present at the work site at any time on the date of violation (e.g. improper protective equipment under Section 855.80 or a contaminated clean room).

3) For each violation which in the opinion of the Department may cause or result in harm or injury to the health or safety of the building owners, users, or occupants of the building $100, multiplied by the number of such persons present at the work site or in the building at any time on the date of violation (e.g. a tear in a polyethylene barrier between a work area and an occupied area).

4) For each violation which in the opinion of the Department may cause or result in contamination with asbestos fibers of any part of the building other than the work site $1,000 (e.g. a tear in a polyethylene barrier).

d) Violation of any provision of the Asbestos Abatement Act or of any provision of the rules of this Part shall be issued as the following:

1) First violation - the person ~~contractor~~ shall be issued a warning letter ~~and a minimum fine of $50 to a maximum fine of $1,000~~.

2) Second violation - the person ~~contractor~~ shall be issued a fine according to Section 855.280. The repeat violation fine will be a minimum of $1,000 plus a fine according to this Section.

3) Third violation - the person ~~contractor~~ shall be issued a notice of removal from the list of licensed asbestos professionals ~~asbestos-abatement-contractors~~.

e) Each day a violation exists shall constitute a separate violation.

f) The Department shall serve any notice of assessment of fine on the person ~~Contractor~~ in the same manner as any notice of license revocation provided pursuant to the Act and this Part, and the person ~~Contractor~~ shall have the same rights and opportunity for hearing as elsewhere provided pursuant to the Act and this Part. In the event the person ~~Contractor~~ does not request a hearing within the time allowed by the Act and this Part, the fine assessed shall be due in full at the expiration of time allowed to request hearing.

g) All fine assessments which are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.), unless the person ~~contractor~~ has within that time filed proceedings in administrative review specifically appealing the fine assessment and unless the court has stayed the enforcement of the fine assessment.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.290 Asbestos Worker Licensing

a) An asbestos worker shall be licensed by the Department prior to engaging in asbestos abatement activities.

1) The Department shall issue an "Asbestos Worker License" to qualified applicants. In order to qualify, an applicant shall ~~must~~:

A) Be at least 18 years of age, and

B) Attend a US EPA or state accredited ~~approved~~ asbestos worker or contractor/supervisor course, and pass the examination administered at the conclusion of the course.

C) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

~~C) Attain a score of at least 70% on a written examination consisting of 50 multiple choice questions administered at the conclusion of the approved course.~~

2) All licenses shall ~~be valid for a period of one (1) year after issuance, and shall~~ expire on January 31 of each year, except licenses issued after October 31 and before February 1 ~~January 31~~ shall expire on the next, following January 31 ~~of the following year~~. The licensee shall be charged a fee of $15.00 for the issuance of a duplicate license.

b) Application. Each person desiring licensure as an asbestos worker shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a $25.00 fee, ~~which is nonrefundable~~ and a certificate verifying satisfactory completion of the course required by subsection (a). If the training course was taken more than one year prior to application a copy of a certificate of completion for a US EPA or state approved one day (8 hour) refresher course must also be submitted. The Department shall have 60 days to process the application ~~and issue a workers~~ license.

c) Reciprocity. Each applicant for licensure who is licensed or certified for asbestos abatement in another state may request the reciprocal ~~Department for~~ licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in this State. Each applicant for licensure pursuant to this Section shall submit an application accompanied by a fee of $25.00. ~~which is nonrefundable.~~

d) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and a $25.00 fee as required by subsection (b) and submits a certificate of completion from an US EPA or state approved one day (8 hour) worker refresher course as requied by Section 855.300(a) within thirty (30) days prior to expiration of the license. Effective August 1, 1990, passing the refresher course examination will be required. The refresher course shall have been completed within one year prior to the license expiration date. If a renewal application is received after January ~~February~~ 1, the applicant shall pay a late fee of $15.00 in addition to the renewal fee of $25.00. ~~which is nonrefundable.~~ An applicant whose licensure has expired for a period less than 2 3 years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees, plus a reinstatement fee of $15.00. A license which has expired for more than 2 3 years may be restored only by successfully passing an approved

asbestos abatement training course and reapplying.

e) The Department shall provide written notice via certified mail of its decision to deny licensure or revoke licensure from an individual. The individual shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

1) The person has falsified information on the application for licensure.

2) The person performing duties outside the areas for which he is licensed.

3) The person has conducted any asbestos abatement activities in a manner hazardous to the public health in Illinois or in any other state where the person has acted in a similar capacity.

4) The person has violated any provision of the Asbestos Abatement Act or of any provision of the rules of this Part.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.300 ~~Training Requirements and~~ Training Course Accreditation ~~Approval~~

a) All inspectors, management planners, project designers, contractors/supervisors or workers ~~Asbestos workers shall complete a three-day approved~~ training courses shall be accredited by the Department in accordance with this Part and with US EPA's Model Contractor Accreditation Plan (40 CFR 763, Subpart E, Appendix C) April 30, 1987. All air sampling professional training courses being conducted in the State of Illinois shall be registered with the Department. ~~prior to licensure and a one-day (8-hour) approved~~ worker refresher course prior to license renewal in ~~accordance with this part and 52 FR 15080, 15081 and 15082 (April 30, 1987).~~ The Department shall develop a list of all training courses and make this list available upon request.

b) Any educational institution or other person ~~entity~~ may apply for accreditation ~~approval~~ of a ~~three-day asbestos abatement worker~~ training course ~~curse~~ and a ~~one-day (8-hour) worker~~ refresher course by submitting the course content, review fee and ~~written~~ application to the Department. ~~:~~ The information to be submitted shall include:

1) The name and address of the sponsor planning to conduct the training course, the name of a contact person and telephone

number;

2) A description of course ~~location~~, course schedule, number of hours, dates, and course fees;

3) A detailed outline of the course curriculum and the amount of time allotted for each topic;

4) A description of the teaching methods to be used to present each topic, (i.e., lectures, discussions, demonstrations and audio-visual materials).

5) Copies of written materials to be distributed including examination ~~of fifty (50) multiple choice questions~~ for the a ~~three~~-day course. The ~~one~~-day refresher course will does ~~not~~ require examination effective August 1, 1990. The examination shall be the same number of multiple choice questions as required by initial training course.

~~6) A list of the types, brand names and quantities of respirators to be used to demonstrate and fit test respirators;~~

~~7) A description of the type and quantity of protective clothing to be used during hands on demonstrations;~~

68) A description of the materials to be used for hands-on demonstrations ~~other than those described in Subsection (b)(7)~~;

79) A list of instructors and their qualifications;

~~10) The location of the training course including address where hands on demonstrations will be conducted.~~

~~11) Instructor to student ratio for the classroom and hands on demonstrations;~~

812) Example of a numbered certificate of successful completion of the course. The certificate shall include both the examination date and ~~with an~~ expiration date. ~~which will be~~ The expiration date shall be one year after the date of examination ~~completion~~.

A) ~~Three-day~~ Training course certificates shall contain a statement ~~I~~indicating that the student passed the examination with a ~~(~~minimum score of 70%~~)~~.

B) ~~One-day~~ Refresher course certificates shall ~~not~~

contain a ~~this~~ statement indicating that the student passed the examination with a minimum score of 70%~~.--since examination is not required~~.

c) In order for ~~a three-day~~ training courses to be accredited ~~approved~~, the applicant's course shall be in accordance ~~comply~~ with the following and US EPA 40 CFR 763, subpart E, Appendix C, "Asbestos Containing Materials in Schools; Model Accreditation Plan" (April 30, 1987) ~~the following and content requirements in Section 855.300(d)~~:

1) Review fee of $500.00 shall accompany the applicant's course material.

~~1) The training course shall consist of a minimum of 3 days of instruction with an approximate ratio of 75% classroom time to 25% hands on demonstrations.~~

2) All training courses shall expire within one year from the date of accreditation. A renewal fee of $500.00 shall be received by the Department prior to the course expiration date. If a renewal fee is received after the expiration date, the sponsor shall pay a late fee of $100.00. An accredited training course which has expired for more than three months may be restored by reapplying. (See subsection (b).

~~2) The ratio of students to instructors in the classroom portion shall not exceed 25 to one.--The ratio of students to instructors in hands on demonstrations shall not exceed ten (10) to one.~~

~~3) An instructor shall have experience in both the performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs as documented.~~

3) All previously approved training courses (those fully approved by US EPA) shall be accredited with the receipt of $500.00 by the Department before August 1, 1990. Subsection (c)(2) shall also apply to all grandfathered accredited courses.

~~4) The sections of the course concerning the health effects of asbestos shall be taught by either a physician, a nurse, a health educator, or another health professional.~~

~~5) The hands on demonstrations shall be taught by a person having experience supervising asbestos workers.--This person shall have had direct experience in the phases of asbestos abatement work~~

~~including work area preparation, construction of barriers, the use of personal protective equipment, engineering controls, work practices, cleanup, disposal and decontamination.~~

~~6) The sponsor shall employ staff experienced in the discipline of designing, implementing and evaluating programs in either employee educational programs in occupational health and safety or vocational education programs.~~

~~d) Content of Training Course.--The initial training course shall provide, at a minimum, information on the following topics:~~

~~1) The physical characteristics of asbestos, including fiber size, aerodynamic characteristics and physical appearance.~~

~~2) The health hazards of asbestos, including the nature of asbestos related diseases, routes of exposure, dose response relationships, synergism between cigarette smoking and asbestos exposure, latency period for disease and health basis for standards.~~

~~3) Employee personal protective equipment, including the classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance and storage procedures; methods for field testing of the facepiece to face seal (positive or negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a respiratory protection program; selection and use of personal protective clothing; use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.~~

~~4) Medical monitoring procedures and requirements included under OSHA (29 CFR 1910.1001 and 29 CFR 1910.134).~~

~~5) Air monitoring procedures and requirements included under OSHA (29 CFR 1910.1001), including a description of equipment and methods, reasons for air monitoring, types of samples and current standards.~~

~~6) Work practices for asbestos abatement activities, including purpose, construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock out, proper working techniques for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment, use~~

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~~of HEPA vacuums, and proper cleanup and disposal procedures. Work practice requirements as they apply to removal, encapsulation, enclosure and repair shall be discussed individually.~~

~~7) Personal hygiene, including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area.~~

~~8) Additional safety hazards that may be encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces and noise.~~

~~9) The requirements, procedures and standards established by:~~

~~40 CFR 61 Subparts A and M;~~
~~29 CFR 1910.1001 and 29 CFR 1910.134;~~
~~29 CFR 1926.58;~~
~~40 CFR 763, and III;~~
~~77 Ill. Adm. Code 855.~~

~~10) Supervisors' training---Supervisors shall receive additional instruction covering the following topics:~~

~~A) Contract specifications and bidding procedures, liability insurance and bonding, and legal considerations related to asbestos abatement.~~

~~B) Establishing respiratory protection programs, medical surveillance programs, and EPA, OSHA, and State record keeping requirements.~~

de) In order for a one day refresher courses to be accredited approved, the applicant's course shall be in accordance comply with the following and with US EPA 40 CFR 763, subpart E, Appendix C "Asbestos Containing Materials in Schools; Model Accreditation Plan" 52 FR 15881 through 15882 (April 30, 1987) ~~submittal requirements in Section 855.300(b)~~.

1) Applicant must be an accredited approved sponsor or applicant of a ~~the three day workers~~ training course specific to that discipline.

2) The ratio of students to instructors shall not exceed 25 ~~fifty (50)~~ to one.

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3) Review fee of $250.00 shall accompany the applicant's course. ~~Instructors experienced as in Section 855.300(c)(3) through (6).~~

4) ~~Content.~~

~~A) Review of key aspects of the three day course.~~

~~B) State of the Art procedures and equipment.~~

~~C) Update of State and Federal regulations.~~

~~D) Demonstration to enhance the course where needed.~~

4) All refresher training courses shall expire after (1) year. A renewal fee of $250.00 shall be received by the Department prior to the refresher course expiration date. If renewal is received after the expiration date, the sponsor shall pay a late fee of $50.00. A refresher course which has expired for more than three (3) months may be restored by reapplying.

5) All previously US EPA fully approved refresher courses shall be grandfathered into accreditation with the receipt of $250.00 before August 1, 1990. Subsection (c)(2) shall also apply to all grandfathered accredited courses.

ef) The Department shall grant two types of accreditation approval:

1) Contingent accreditation ~~Provisional approval~~ shall be granted to a sponsor which has submitted materials concerning course content, teaching methods and instructors qualifications which meet the requirements as previously enumerated in subsection ~~Section 855.300~~ (a)(b)(c)(d) ~~and 52 FR 15881 and 15882 (April 30, 1987)~~. Contingent accreditation ~~Provisional approval~~ shall expire after review by the Department. ~~within six months. Instructors shall be approved in their area of expertise.~~

2) Full accreditation ~~Complete approval~~ shall be granted for one ~~two~~ years after the Department ~~has granted provisional approval~~, has conducted an onsite observation and evaluation of a training course in progress at an Illinois location, and has determined that the sponsor's ~~asbestos abatement~~ training course meets the requirements of subsection ~~Section 855.300~~(a)(b)(c)(d).

f) The Department shall provide written notice, via certified mail, of its decision to deny inclusion on or remove a training course sponsor

from the list of training course sponsors. The applicant shall have fifteen (15) days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:

1) Whether the person has been misrepresenting himself as an accredited training course sponsor in the State of Illinois or any other state.

2) Whether the person has violated the Consumer Fraud and Deceptive Business Practice Act. (Ill. Rev. Stat. 1987, ch. 121 1/2, par. 261 et seq.)

3) When determined by the Department that the course is not being conducted in accordance with the application approved by the Department.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.340 Inspectors' ~~List~~ Licensing

a) The Department shall prepare and maintain a list of licensed ~~accredited~~ school inspectors. The list shall be made available to all School Boards or Building Owners and shall be used to select school inspectors. ~~An~~ licensed ~~accredited~~ school inspector shall conduct the inspection of each educational facility.

b) The Department shall issue a "School Inspectors License" to qualified applicants. In order to qualify, an applicant shall: ~~In order to qualify as a school inspector and be added to the Department's list of accredited school inspectors, an applicant shall:~~

1) Submit to the Department a certificate of successful completion of a US EPA or state approved course on Building Inspection. ~~Have attended a US EPA approved course on Building Inspection and successfully completed the examination. A copy of the document verifying successful completion must be submitted to the Department. 52 FR 15881 (Column 3 par. III) (April 30, 1987)~~ If the building inspection course is older than one year, then also provide with the application a copy of a certificate of completion from an approved half-day (4 hour) Building Inspector Refresher Course which has been completed within one year of the date of application.

2) Submit to the Department written verification of experience of ~~Have~~ a minimum of six months of experience inspecting buildings for asbestos-containing materials, or a minimum of one year and six months of experience in direct planning of construction projects and/or construction project inspection. Inspection experience is based on on-site experience, not total time employed. Submit evidence of experience in hours, not years or months.

3) Have a high school degree or Graduate Education Degree certificate.

4) Submit a completed application which is provided by the Department.

5) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

~~d) The Department shall reserve the right to deny inclusion on, or remove an inspector from, the list of school inspectors. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:~~

~~1) The Applicant shall be denied inclusion on the list of school inspectors if he does not meet all requirements of subsection (b) of this Section.~~

~~2) The inspector shall be removed from the list of school inspectors for:~~

~~A) Failure to complete an inspection.~~

~~B) Failure to fulfill all obligations of Section 855.345.~~

~~C) Failure to complete the refresher course as required in subsection (c).~~

~~D) Falsifying information on the application.~~

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.350 Management Planner Licensing ~~Accreditation~~ and Responsibilities

a) The Department shall prepare and maintain a list of licensed ~~accredited~~ management planners. The list shall be made available to all School Boards or Building Owners and shall be used to select a management planner.

b) In accordance with 40 CFR 763, an licensed ~~accredited~~ management planner shall prepare the asbestos management plan for an educational facility. This plan shall be prepared from the inspection report which contains the assessment done by the accredited inspector and the bulk sample analyses done by a US EPA approved laboratory. A list of US EPA approved laboratories is available upon request from the Department.

c) The Department shall issue a "Management Planner License" to qualified applicants. In order to qualify, an applicant shall: ~~Qualifications of a management planner. In order to qualify as an accredited management planner, an applicant shall submit a completed application; attend an EPA approved course on Building Inspection and Management Planning and successfully complete the examinations (52 FR 15881 (Column 3 par. 111) (April 30, 1987)~~

1) Submit to the Department a certificate of successful completion of a US EPA or state approved course on Building Inspection and Management Planning. If the building inspection course or management planning course is older than one year, then also provide with the application a copy of a certificate of completion from an approved half-day (4 hour) building inspector refresher and half day (4 hour) management planner course which has been completed within one year of the date of application. ~~Hold a valid Illinois architecture license, Illinois professional engineer license, Illinois structural engineer license, or industrial hygienist certificate, or~~

2) Submit to the Department a copy of an Illinois Architectural license; or an Illinois Professional Engineer license; or an Illinois Structural Engineer License, or industrial hygienists certificate, or ~~Have a bachelor's degree or higher in architecture, engineering, mathematics or science; and meet the experience requirements of an accredited inspector, or~~

3) Submit to the Department a copy of transcript and Bachelor's Degree or higher in architecture, engineering, mathematics or science; and meet the experience requirements of an accredited inspector; or ~~Have a bachelors degree and two years of experience in asbestos inspections, instruction, project management, project design or other asbestos management and control activities.~~

4) Submit a Bachelor's Degree and written verification of two years experience in asbestos inspections, instructions, project management, project design or other asbestos management and control activities.

5) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

~~d) A management planner shall complete a half day refresher course as required for inspectors plus an additional half day refresher course on management planning for annual re accreditation by the Department. A copy of the training certificates shall be submitted to the Department for this purpose. (52 FR 15881 (Column 3 par. 111) (April 30, 1987)~~

de) Responsibilities of a management planner: A management planner shall develop the management plans for each school of his contract in accordance with Section 855.355.

~~f) The Department shall reserve the right to deny inclusion on, or remove a management planner from, the Department's list of accredited school management planners. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:~~

~~1) The applicant shall be denied inclusion on the list of school management planners if he does not meet all requirements of Subsection (c) of this section.~~

~~2) The management planner shall be removed from the list of school management planners for:~~

~~A) Failure to complete a management plan.~~

~~B) Failure to fulfill all obligations of Section 855.355.~~

~~C) Failure to complete the refresher courses as required in Section 855.350(d).~~

~~D) Falsifying information on the application.~~

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.360 Project Designer Licensing ~~Accreditation~~ and Responsibilities

a) The Department shall prepare and maintain a list of licensed ~~accredited~~ project designers. The list shall be made available to all School Boards or Building Owners and shall be used to select a project designer.

b) In accordance with 40 CFR 763, an accredited project designer shall plan the response actions to the ACM for the LEA.

c) The Department shall issue a "Project Designer License" to qualified applicants. In order to qualify, an applicant shall: ~~Qualifications of an abatement project designer. In order to qualify as an accredited abatement project designer, an applicant shall:~~

1) Submit to the Department a certificate of successful completion of either a US EPA or state approved contractor/supervisor four (4) day training course or a US EPA or state approved project designer course. ~~Have attended either the US EPA approved contractor/supervisor's four day training course covering the practices and procedures for asbestos control or the three day abatement project designer course and successfully completed the applicable examination. A copy of the documents verifying successful completion must be submitted to the Department. (52 FR 15881 (Column 3 par. 111) (April 30, 1987).~~ If the contractor/supervisor course or project designer course is older than one year, then also provide with the application a copy of a certificate of completion from an approved one day (8 hour) contractor/supervisor or one day (3 hour) project designer refresher course.

2) Submit to the Department a certificate of successful completion of US EPA approved courses on Building Inspection and Management Planning. ~~Have attended US EPA approved courses on Building Inspection and Management Planning and successfully completed the examinations. A copy of the documents verifying successful completion must be submitted to the Department. (52 FR 15881 (Column 3 par. 111) (April 30, 1987).~~ If the Building Inspection or Management Planning course are older than one year, then also provide with the application a copy of a certificate of completion from an approved half day (4 hour) Building Inspection and half day (4 hour) Management Planning refresher course.

3) Submit to the Department a copy of an Illinois Architectural license; or an Illinois Professional Engineer license; or an Illinois Structural Engineer License. ~~Hold a valid Illinois Architecture license; Illinois Professional Engineer license, or an Illinois Structural Engineer License.~~ Certified Industrial Hygienists may act as an asbestos project designers when a project design only applies to interior alterations of surface materials in an existing building which does not involve structural changes or changes to the electrical, heating, air

conditioning, physical plant or associated piping. The project designer shall certify that the project design meets or exceeds all Federal, State, and Local regulations and codes.

4) Submit a completed application which is provided by the Department.

5) Submit a 1" x 1" photograph of applicant for proper identification of licensee. The license shall not be issued without identification photograph.

~~d) An abatement project designer shall complete a one day refresher course on project design for annual re-accreditation by the Department. A copy of the trainin certificate shall be submitted to the Department for this purpose. (52 FR 15881 (Column 3 par. 111) April 30, 1987)~~

de) Responsibilities of an abatement project designer:

1) The abatement project designer shall plan the abatement project in accordance with the response action of the management plans and all Federal and State rules governing such action (i.e., 40 CFR 61; 29 CFR 1910 and 1926 and this Part.

2) The abatement project designer shall design or directly supervise the specifications and plans for each individual project. These contract documents shall bear his I.D. Number and his handwritten signature.

3) The abatement project designer shall be directly responsible, and therefore held liable for all asbestos abatement activities performed following his design specifications and plans.

~~f) The Department shall reserve the right to deny inclusion on, or remove a project designer from, the list of school project designers. The applicant shall have fifteen days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision shall be based upon the following reasons:~~

~~1) The Applicant shall be denied inclusion on the list of school project designers if he does not meet all requirements of Subsection (c) of this section.~~

~~2) The abatement project designer shall be removed from the list of school project designers for:~~

~~A) Failure to complete an abatement project.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

B) ~~Failure to complete the refresher course as required in Section 855.360(d).~~

C) ~~Falsifying information on the application.~~

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

Section 855.370 Response Contractor Indemnification Fund

a) The Department shall review all contracts submitted by schools to verify whether the person is licensed by the Department.

b) The local educational agency may choose to submit an amount equal to 5% of the total value of the contract to the Department before the start of the project. The payment shall be delivered to the Division of Environmental Health, Illinois Department of Public Health, 525 West Jefferson, Springfield, IL. 62761 along with the contract to be reviewed. All checks shall be made payable to the Illinois Department of Public Health for deposit into that fund.

c) Approval by the Department of any contract for inclusion in the indemnification fund does not in any way constitute endorsement of the terms of said contract, either legal or technical, nor does it constitute any guarantee by this Department of the contractor's ability to complete the terms of said contract.

(Source: Emergency rule added at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix A - Illustrations
Section 855.Illustration B - Notice of Asbestos Abatement

Date: _____

This form is to be completed in full and filed by the Contractor with the Department and the School Board or the Building Owner at least two weeks before the start of an asbestos abatement project.

CONTRACTOR ID # _____

NAME: _____
ADDRESS: _____

SCHOOL DISTRICT OR BUILDING OWNER

BUILDING OWNER: _____
DISTRICT NAME & NUMBER: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____ PHONE: () _____

BUILDING INFORMATION

SCHOOL BUILDING NAME: _____ PHONE: () _____
SCHOOL BUILDING ID#: _____ COUNTY: () _____
ADDRESS OF BLDG: _____
CITY: _____ STATE: _____ ZIP: _____
SIZE OF BLDG: _____ FT^2
USE OF BLDG: _____

ABATEMENT INFORMATION

ESTIMATED COST OF ABATEMENT _____
DESCRIPTION OF ASBESTOS CONTAINING MATERIAL: _____

APPROXIMATE AMOUNT OF ASBESTOS MATERIAL ON OTHER FACILITY COMPONENTS (SQUARE FEET: IF NOT, SO STATE): _____

ABATEMENT TECHNIQUE: _____

ABATEMENT DATES START: _____ FINISH: _____

DISPOSAL SITE

LANDFILL NAME: _____
ADDRESS: _____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix A - Illustrations
Section 855.Illustration B - Notice of Asbestos Abatement (Continued)

CITY:_____ STATE_____ ZIP:_____ PHONE: ()
ID#
ASBESTOS PROJECT MANAGER: _____ PHONE: ()
ID#
AIR SAMPLING PROFESSIONAL: _____ PHONE: ()
ID#

PROJECT DESIGNER: _____ PHONE: ()

COPY OF SECTION 855.180(g): ABATEMENT PERMISSION AND THE ESTIMATED COST OF THE TOTAL PROJECT FROM BUILDING OWNER

SIGNATURE OF CONTRACTOR:

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration A - Application for ~~the Accredited~~ School Inspector's License ~~List~~

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ~~THE ACCREDITED~~ SCHOOL INSPECTOR'S ~~LIST~~ LICENSE
$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
HOME TELEPHONE _____ / _____ COUNTY _____
(Area Code)
BIRTH DATE _____ / _____ / _____ SOCIAL SECURITY # _____ / _____ / _____
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE _____ / _____ COUNTY _____
(Area Code)
MAJOR BUSINESS ACTIVITY _____

REFERENCES

	NAME	ADDRESS	TELEPHONE
1.			
2.			
3.			

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for license for school Inspector ~~inclusion on or remove my name from the Department's list of approved School Inspectors~~ for knowingly making false or fraudulent claims.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration A - ~~Application for the Accredited~~ School Inspector~~'~~s License ~~List~~ (Continued)

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

Signature of Applicant _____ Date _____

IL 482-0730

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT ILL. REV. STAT. 1987, CH. 122, PAR. 1401 ET SEQ. ~~PUBLIC ACT 83-1325~~. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF ~~EXCLUSION FROM~~ THE INSPECTOR'S LICENSE ~~LIST~~. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration A - ~~Application for the Accredited~~ School Inspector~~'~~s License ~~List~~ (Continued)

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO BUILDING INSPECTION

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ to ___/___ TELEPHONE ___/_____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ to ___/___ TELEPHONE ___/_____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ to ___/___ TELEPHONE ___/_____
(mo./yr.) (mo./yr.)

List and describe your duties and responsibilities.

ASBESTOS COURSE COMPLETED

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration A - Application for ~~the Accredited~~ School Inspector's License ~~List~~ (Continued)

Course Title	Conducted By	Date Completed
1.		
2.		

(Applicant shall attach a copy of certificates received)

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration B - Application for ~~the~~ School Management Planner's License ~~List~~

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ~~THE~~ SCHOOL MANAGEMENT PLANNER'~~S~~ LICENSE ~~LIST~~
$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME _____

HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
HOME TELEPHONE ___/___ (Area Code) COUNTY _____
BIRTH DATE ___/___/___ SOCIAL SECURITY # ___/___/___
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE ___/___ (Area Code) COUNTY _____

Attach a copy of your Illinois Architectural license, Illinois certificate of registration as a Professional Engineer, or National Certification as a Industrial Hygienist or a copy of your diploma with at least a Bachelor of Science in Engineering, Architecture, Mathematics or Science.

REFERENCES

NAME	ADDRESS	TELEPHONE
1.		

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration B - Application for the School Management Planner's License ~~List~~ (Continued)

2. _____ _____ _____

3. _____ _____ _____

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for a ~~inclusion on or remove my name from the Department's list of approved~~ Management Planners License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

_____ _____
Signature of Applicant Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT ILL. REV. STAT. 1987, CH. 122, PAR. 1401 ET SEQ. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENAIL OF THE MANAGEMENT PLANNER'S. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

IL 482-0630

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration B - Application for the School Management Planner's License ~~List~~ (Continued)

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO BUILDING INSPECTION

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE () _____

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE () _____

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE () _____

List and describe your duties and responsibilities.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration B - Application for ~~the~~ School Management Planner~~'~~s License ~~List~~ (Continued)

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration C - Application for ~~the~~ School Project Designer~~'~~s License ~~List~~

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ~~THE~~ SCHOOL PROJECT DESIGNER~~'~~S LICENSE ~~LIST~~
$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
HOME TELEPHONE _____ / _____ COUNTY _____
(Area Code)
BIRTH DATE _____ / _____ / _____ SOCIAL SECURITY # _____ / _____ / _____
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE _____ / _____ COUNTY _____
(Area Code)

Attach a copy of your Illinois Architectural license, Illinois certificate of registration as a Professional Engineer.

ASBESTOS COURSE COMPLETED

	Course Title	Conducted By	Date Completed
1.			
2.			

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my applicaation for a ~~inclusion on or remove my name from the Department~~'~~s list of approved~~ Project Designers License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration C - Application for ~~the~~ School Project Designer~~'~~s License ~~List~~ (Continued)

Signature of Applicant Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT ILL. REV. STAT.1987, CH. 122, PAR. 1401 ET. SEQ. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE PROJECT DESIGNER'S LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

IL 482-0730

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration D - Application for ~~the~~ School Asbestos Abatement Project Supervisor~~'~~s License ~~List~~

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ~~THE~~ SCHOOL ASBESTOS ABATEMENT PROJECT SUPERVISOR~~'~~S LICENSE ~~LIST~~

$50.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
HOME TELEPHONE () / _____ COUNTY _____
(Area Code)
BIRTH DATE / / SOCIAL SECURITY # / /
EMPLOYED BY _____
BUSINESS ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE () / _____ COUNTY _____
(Area Code)

Attach a copy of your Certificate along with the examination score from an EPA approved course for accreditation as a supervisor on an Asbestos Abatement Project.

ASBESTOS COURSE COMPLETED

	Course Title	Conducted By	Date Completed
1.			
2.			

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for a ~~inclusion on or remove my name from the Department~~'~~s list of approved~~ Project Designers License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration D - Application for ~~the~~ School Asbestos Abatement Project Supervisor~~'~~s License ~~List~~ (Continued)

Signature of Applicant Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT ILL. REV. STAT.1987, CH. 122, PAR. 1401 ET SEQ DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE PROJECT SUPERVISOR'S LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

IL 482-0730

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration E - Application for ~~the Accredited Asbestos~~ Contractor~~'~~s License ~~List~~

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ~~ASBESTOS ABATEMENT~~ CONTRACTOR~~'~~S LICENSE ~~LIST~~
$50.00 check or money order must accompany this Application

Type or Print

BUSINESS NAME _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE () _____ COUNTY _____
(Area Code)
CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
MAJOR BUSINESS ACTIVITY _____
(e.g. General Contracting, Insulating, etc.)

TYPE OF OWNERSHIP (Check)
___ Sole Proprietorship ___ Corporation ___ Trust
___ Partnership ___ Association ___ Other _____
(Specify)

LIST OF OFFICERS

Name and Title	Address	SS#
1.		
2.		
3.		
4.		

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration E - Application for ~~the Accredited Asbestos~~ Contractor's License ~~List~~ (Continued)

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for ~~company inclusion on or may remove my company from the Department's list of approved Asbestos Abatement~~ the Contractors License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

Signature of Applicant Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT ILL. REV. STAT.1987, CH. 122, PAR. 1401 ET SEQ DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE CONTRACTOR LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

IL 482-0730

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration F - Application for ~~the~~ School Air Sampling Professional's License ~~List~~

ID# _____
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
ASBESTOS ABATEMENT PROGRAM
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ~~THE~~ SCHOOL AIR SAMPLING PROFESSIONALS'S LICENSE ~~LIST~~
$500.00 check or money order must accompany this Application

Type or Print

APPLICANT NAME _____

HOME ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

HOME TELEPHONE _____ / _____ COUNTY _____
(Area Code)

BIRTH DATE _____ / _____ / _____ SOCIAL SECURITY # _____ / _____ / _____

EMPLOYED BY _____

BUSINESS ADDRESS (Street) _____

CITY _____ STATE _____ ZIP CODE _____

BUSINESS TELEPHONE _____ / _____ COUNTY _____
(Area Code)

Attach a copy of your certificate of successful completion of NIOSH course #582 "Sampling and Evaluating Airborne Asbestos Dust," a bachelors degree in physical, environmental or life sciences or in engineering and three months of experience in general indoor air pollution sampling: or in lieu of Degree shall have twelve months of experience in air sampling for asbestos abatement projects.

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny my application for ~~inclusion on, or remove my name from the Department's list of accredited~~ the Air Sampling

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration F - Application for the School Air Sampling Professional's License ~~List~~ (Continued)

Professionals License for knowingly making false or fraudulent claims.

Submit one 1" x 1" photograph with the application (Head and Shoulders Only).

Signature of Applicant Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER THE ASBESTOS ACT ILL. REV. STAT.1987, CH. 122, PAR. 1401 ET SEQ DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE SCHOOL AIR SAMPLING PROFESSIONAL LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration F - Application for School Air Sampling Professional's ~~License List~~ (Continued)

COMPLETE THIS PORTION OF THE APPLICATION IN DETAIL
GIVE ONLY INFORMATION RELATED TO AIR SAMPLING PROJECTS

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE ___/_____

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE ___/_____

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE ___/_____

List and describe your duties and responsibilities.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Section 855.Illustration F - Application for ~~the~~ School Air Sampling Professional's License ~~List~~ (Continued)

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1.		
2.		

(Applicant shall attach a copy of certificates received)

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855.Appendix C Illustrations - Application Forms
Section 855.Illustration G Application for the Asbestos Worker's License

ID#
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR ASBESTOS WORKERS LICENSE

$25.00 check or money order must accompany this Application
Payable to the Illinois Department of Public Health Only

Type or Print

APPLICANT NAME*_____
(Last) (First) (M)

HOME ADDRESS (Street)_____

CITY_____STATE_____ZIP CODE_____

HOME TELEPHONE____/_____COUNTY_____

AGE OF APPLICANT_____DATE OF BIRTH_____

DRIVERS LICENSE #_____STATE OF ISSUE_____

SOCIAL SECURITY NUMBER _____

EDUCATION OF APPLICANT (circle highest grade completed) GRADE SCHOOL 1 2 3 4 5 6 7 8
HIGH SCHOOL 1 2 3 4
COLLEGE 1 2 3 4

NAME OF APPROVED TRAINING COURSE ATTENDED_____
(Copy of certificate of completion shall be included with Application.)

Has applicant previously made application for a worker's license? Yes No

Is applicant a licensed/certified worker in another state? ___ Yes ___ No

IF YES which state (s)_____ License #(s)_____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855.Appendix C Illustrations - Application Forms Illustration G
Application for the Asbestos Worker's License (continued)

I hereby certify that the information submitted is true and valid, and I understand that the Illinois Department of Public Health may deny, revoke or suspend my Asbestos Workers License for knowingly making false or fraudulent claims.

Signature of Applicant Date

~~*Must submit two, 1"x1", head and shoulder color photos of the applicant to the Department.~~
Submit one 1"x1" photograph of the applicant with this application (head and shoulders only). License will not be issued without photograph.

IL 482-0498 (rev. 11/89)

IMPORTANT NOTICE
This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under The Asbestos Abatement Act (Ill. Rev. Stat.1987, ch. 122, par. 1401 et seq.). Disclosure of this information is mandatory. Failure to provide any information could result in denial, revocation or suspension of the applicant's license. This form has been approved by the Forms Management Center.

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration H - Application for the School Project Manager License

ID#
FOR IDPH USE ONLY

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

APPLICATION FOR THE SCHOOL PROJECT MANAGER'S LICENSE ~~LIST~~
$50.00 check or money order must accompany this application

Type or Print

APPLICANT NAME
HOME ADDRESS (Street)
CITY STATE ZIP CODE
HOME TELEPHONE / COUNTY
(Area Code)
BIRTH DATE / / SOCIAL SECURITY # / /
EMPLOYED BY
BUSINESS ADDRESS (Street)
CITY STATE ZIP CODE
BUSINESS TELEPHONE / COUNTY
(Area Code)

REFERENCES

	NAME	ADDRESS	TELEPHONE
1.			
2.			
3.			

I hereby certify that the information submitted is true and valid, and understand that the Illinois Department of Public Health may deny my inclusion on or remove my name

IMPORTANT NOTICE
THIS ~~STATE AGENCY IS~~ REQUESTED DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUT-

Section 855 Appendix C Illustrations Application Forms
Illustration H - Application for the School Project Manager License (continued)

from the Department's list of approved Project Managers for knowingly making false or fraudulent claims.

LINED UNDER THE ASBESTOS ABATEMENT ACT ILL. REV. STAT.1987, CH. 122, PAR. 1410 ET SEQ. DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF THE PROJECT MANAGER LICENSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

SUBMIT ONE 1" x 1" photograph with the application (head and shoulders only).

Signature of Applicant _____ Date _____

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE ___/___

List and describe your duties and responsibilities.

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE ___/___

List and describe your duties and responsibilities.

Section 855 Appendix C Illustrations Application Forms
Illustration H - Application for the School Project Manager License

EMPLOYED BY _____ JOB TITLE _____
ADDRESS _____ SUPERVISOR _____
CITY _____ STATE _____ ZIP CODE _____
DATES OF EMPLOYMENT ___/___ (mo./yr.) to ___/___ (mo./yr.) TELEPHONE ___/___

List and describe your duties and responsibilities.

ASBESTOS COURSE COMPLETED

Course Title	Conducted By	Date Completed
1.		
2.		

(Applicant shall attach a copy of certificates received)

(Source: Emergency amendment at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration I - Application for Training Course Accreditation

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

$500.00 certified check or money order must accompany this application

Type or Print

BUSINESS NAME (Course Sponsor) _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE ___ / _____ (Area Code) COUNTY _____
CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
TITLE COURSE: _____ NUMBER OF INSTRUCTORS _____

TYPE OF OWNERSHIP (Check)

___ Sole Proprietorship ___ Corporation ___ Trust
___ Partnership ___ Association ___ Other _____ (Specify)

LIST OF OFFICERS

	Name and Title	Address	SS#
1.			
2.			
3.			
4.			

I hereby certify that the information submitted is true and valid and I understand that the Illinois Department of Public Health may deny this training course accreditation for knowingly making false or fraudulent claims.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration I - Application for Training Course Accreditation

Signature of Owner/Officer Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER (the Asbestos Abatement Act Ill. Rev. Stat. 1987, ch. 122, par. 1410 et sq.) DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF APPLICATION FOR ACCREDITATION OF TRAINING COURSES. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

FOR IDPH USE ONLY

Date Received _____ Type of Approval: ___ Provisional ___ Date of Approval
___ Complete ___ Date of Approval

Complete Set of Attachments ___ Yes ___ No

IL 482-0500

(Source: Emergency rule added at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration J - Application for Refresher Course Accreditation

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
525 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761
$250.00 certified check or money order must accompany this application

Type or Print

BUSINESS NAME (Course Sponsor) _____
HOME ADDRESS (Street) _____
CITY _____ STATE _____ ZIP CODE _____
BUSINESS TELEPHONE () _____ COUNTY _____
(Area Code)
CONTACT PERSON _____ NUMBER OF EMPLOYEES _____
TITLE COURSE: _____ NUMBER OF INSTRUCTORS _____

TYPE OF OWNERSHIP (Check)
___ Sole Proprietorship ___ Corporation ___ Trust
___ Partnership ___ Association ___ Other _____ (Specify)

LIST OF OFFICERS

	Name and Title	Address	SS#
1.			
2.			
3.			
4.			

I hereby certify that the information submitted is true and valid and I understand that the Illinois Department of Public Health may deny application of this training course for knowingly making false or fraudulent claims.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 855 Appendix C Illustrations Application Forms
Illustration J - Application for Refresher Course Accreditation

_____ _____
Signature of Owner/Officer Date

IMPORTANT NOTICE
THIS STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER (the ASBESTOS ABATEMENT ACT III. REV. STAT.1987, CH. 122, PAR. 1410 ET SEQ.) DISCLOSURE OF THIS INFORMATION IS MANDATORY. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN DENIAL OF ACCREDITATION OF THE TRAINING COURSE. THIS FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

FOR IDPH USE ONLY

Date Received _____ Type of Approval: ___ Provisional ___ Date of Approval
___ Complete ___ Date of Approval

Complete Set of Attachments ___ Yes ___ No

IL 482-0500

(Source: Emergency rule added at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers:	Action:
130.330	Modification
130.2000	Modification

4) Date Notice of Proposed Rules Published in the Register:

December 23, 1988 (issue date) — 12 Ill. Reg. 22097

5) Date JCAR Statement of Objection Published in the Register:

December 29, 1989 (issue date) — 13 Ill. Reg. 20410

6) Summary of Action Taken by the Agency: The Department listed all requested examples of the exempt and nonexempt machinery in Section 130.330(b)(9) and deleted "photofinishers" from Section 130.2000(a).

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
9:30 A.M.
JANUARY 10, 1990

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

I. Approval of December 14, 1989 Minutes

II. Review of Proposed Agency Rulemaking

Department on Aging

1. Older Americans Act Programs; 89 Ill. Adm. Code 230
-First Notice Published: 13 Ill. Reg. 14499 - 9-22-89
-Expiration of Second Notice Period: 2-2-90

Department of Agriculture

2. Animal Diagnostic Laboratory Act; 8 Ill. Adm. Code 110
-First Notice Published: 13 Ill. Reg. 15911 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

3. Bovine Brucellosis; 8 Ill. Adm. Code 75
-First Notice Published: 13 Ill. Reg. 15915 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

4. Diseased Animals; 8 Ill. Adm. Code 85
-First Notice Published: 13 Ill. Reg. 15926 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

5. Illinois Bovine Tuberculosis Eradication Act; 8 Ill. Adm. Code 80
-First Notice Published: 13 Ill. Reg. 15938 - 10-13-90
-Expiration of Second Notice Period: 1-19-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

6. Illinois Pseudorabies Control Act; 8 Ill. Adm. Code 115
-First Notice Published: 13 Ill. Reg. 15942 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

7. Livestock Auction Markets; 8 Ill. Adm. Code 40
-First Notice Published: 13 Ill. Reg. 15950 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

8. Marketing Center (Livestock); 8 Ill. Adm. Code 45
-First Notice Published: 13 Ill. Reg. 15956 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

9. Swine Brucellosis; 8 Ill. Adm. Code 100
-First Notice Published: 13 Ill. Reg. 15960 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

10. Swine Disease Control and Eradication Act; 8 Ill. Adm. Code 105
-First Notice Published: 13 Ill. Reg. 15968 - 10-13-89
-Expiration of Second Notice Period: 1-19-90

Department of Children and Family Services

11. Services Delivered by the Department; 89 Ill. Adm. Code 302
-First Notice Published: 13 Ill. Reg. 14508 - 9-22-89
-Expiration of Second Notice Period: 1-29-90

Department of Commerce and Community Affairs

12. Economic Development Area Tax Increment Allocation Financing; 14 Ill. Adm. Code 525
-First Notice Published: 13 Ill. Reg. 13356 - 8-25-89
-Expiration of Second Notice Period: 1-29-90

Illinois Commerce Commission

13. Minimum Rate, Repeal of; 92 Ill. Adm. Code 1300
-First Notice Published: 13 Ill. Reg. 14147 - 9-15-89
-Expiration of Second Notice Period: 1-18-90

14. Agents for Service of Process; 92 Ill. Adm. Code 1207
-First Notice Published: 13 Ill. Reg. 15150 - 9-29-89
-Expiration of Second Notice Period: 1-18-90

15. Telecommunications Access for the Deaf; 83 Ill. Adm. Code 755
-First Notice Published: 13 Ill. Reg. 15157 - 9-29-89
-Expiration of Second Notice Period: 1-18-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

16. Cellular Radio Exclusion; 83 Ill. Adm. Code 760
-First Notice Published: 13 Ill. Reg. 13358 - 8-25-89
-Expiration of Second Notice Period: 1-22-90

Department of Conservation

17. Rental of Boats and Boating Facilities; 17 Ill. Adm. Code 210
-First Notice Published: 13 Ill. Reg. 16892 - 11-3-89
-Expiration of Second Notice Period: 2-2-90

Board of Higher Education

18. Capital Improvement Grants to Nonpublic Institutions of Higher Learning for Laboratory, Research and Instructional Area Renovation; 23 Ill. Adm. Code 1037
-First Notice Published: 13 Ill. Reg. 16227 - 10-20-89
-Expiration of Second Notice Period: 1-19-90

19. Capital Improvement Grants to Nonpublic Institutions of Higher Learning for Science and Technology; 23 Ill. Adm. Code 1036
-First Notice Published: 13 Ill. Reg. 16234 - 10-20-89
-Expiration of Second Notice Period: 1-19-90

State Board of Education

20. Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; Repeal of; 23 Ill. Adm. Code 202
-First Notice Published: 13 Ill. Reg. 13367 - 8-25-89
-Expiration of Second Notice Period: 1-15-90

21. Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; 23 Ill. Adm. Code 202
-First Notice Published: 13 Ill. Reg. 13369 - 8-25-89
-Expiration of Second Notice Period: 1-15-90

Department of Employment Security

22. Determination of Unemployment Contributions; 56 Ill. Adm. Code 2770
-First Notice Published: 13 Ill. Reg. 15543 - 10-6-89
-Expiration of Second Notice Period: 1-15-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Illinois Local Governmental Law Enforcement Officer Training Board

23. Coroners Basic Training; 20 Ill. Adm. Code 1760
-First Notice Published: 13 Ill. Reg. 13997 - 9-8-89
-Expiration of Second Notice Period: 1-29-90

Department of Mines and Minerals

24. An Act in Relation to Oil, Gas and Other Surface and Underground Resources; 62 Ill. Adm. Code 240
-First Notice Published: 13 Ill. Reg. 15226 - 9-29-89
-Expiration of Second Notice Period: 1-12-90

Department of Nuclear Safety

25. Licensing Requirements for Source Material Milling Facilities; 32 Ill. Adm. Code 332
-First Notice Published: 13 Ill. Reg. 5874 - 4-28-89
-Expiration of Second Notice Period: 1-15-90

Pollution Control Board

26. Introduction; 35 Ill. Adm. Code 301
-First Notice Published: 13 Ill. Reg. 14152 - 9-15-89
-Expiration of Second Notice Period: 2-5-90

27. Monitoring and Reporting; 35 Ill. Adm. Code 305
-First Notice Published: 13 Ill. Reg. 14159 - 9-15-89
-Expiration of Second Notice Period: 2-5-90

28. Permits; 35 Ill. Adm. Code 309
-First Notice Published: 13 Ill. Reg. 14164 - 9-15-89
-Expiration of Second Notice Period: 2-5-90

29. Water Quality Standards; 35 Ill. Adm. Code 302
-First Notice Published: 13 Ill. Reg. 14172 - 9-15-89
-Expiration of Second Notice Period: 2-5-90

Department of Public Aid

30. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 13 Ill. Reg. 13178 - 8-18-89
-Expiration of Second Notice: 1-15-90

31. Hospital Services; 89 Ill. Adm. Code 148
-First Notice Published: 13 Ill. Reg. 13729 - 9-1-89
-Expiration of Second Notice Period: 1-15-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

32. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 13 Ill. Reg. 15281 - 9-29-89
-Expiration of Second Notice Period: 1-15-90

33. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 13 Ill. Reg. 15612 - 10-6-89
-Expiration of Second Notice Period: 2-25-90

Department of Public Health

34. Illinois Health and Hazardous Substances Registry; 77 Ill. Adm. Code 840
-First Notice Published: 13 Ill. Reg. 15284 - 9-29-89
-Expiration of Second Notice Period: 1-15-90

35. Minimum Health Care Standards for Health Maintenance Organizations; 77 Ill. Adm. Code 240
-First Notice Published: 13 Ill. Reg. 10028 - 6-30-89
-Expiration of Second Notice Period: 1-22-90

36. The Licensure of Home Health Agencies; 77 Ill. Adm. Code 245
-First Notice Published: 13 Ill. Reg. 10007 - 6-30-89
-Expiration of Second Notice Period: 2-1-90

37. Hospital Licensing Requirements; 77 Ill. Adm. Code 250
-First Notice Published: 13 Ill. Reg. 7875 - 5-26-89
-Expiration of Second Notice Period: 2-1-90

Department of Rehabilitation Services

38. Maintenance; 89 Ill. Adm. Code 602
-First Notice Published: 13 Ill. Reg. 14797 - 9-22-89
-Expiration of Second Notice Period: 1-15-90

39. Non-Homemaker Service Provider Requirements; 89 Ill. Adm. Code 714
-First Notice Published: 13 Ill. Reg. 12947 - 8-11-89
-Expiration of Second Notice Period: 1-15-90

40. Program Description; 89 Ill. Adm. Code 675
-First Notice Published: 13 Ill. Reg. 14319 - 9-15-89
-Expiration of Second Notice Period: 1-25-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Secretary of State

41. Dealers, Wreckers, Transporters and Rebuilders; 92 Ill. Adm. Code 1020
-First Notice Published: 13 Ill. Reg. 14818 - 9-22-89
-Expiration of Second Notice Period: 1-12-90

42. Mandatory Vehicle Liability Insurance; 50 Ill. Adm. Code 8010
-First Notice Published: 13 Ill. Reg. 14349 - 9-15-89
-Expiration of Second Notice Period: 1-15-90

43. Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040
-First Notice Published: 13 Ill. Reg. 15635 - 10-6-89
-Expiration of Second Notice Period: 1-18-90

44. Issuance of Licenses; 92 Ill. Adm. Code 1030
-First Notice Published: 13 Ill. Reg. 14344 - 9-15-89
-Expiration of Second Notice Period: 1-22-90

45. Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040
-First Notice Published: 13 Ill. Reg. 14014 - 9-8-89
-Expiration of Second Notice Period: 1-22-90

46. Issuance of Licenses; 92 Ill. Adm. Code 1030
-First Notice Published: 13 Ill. Reg. 14019 - 9-15-89
-Expiration of Second Notice Period: 1-22-90

47. The Use of the Capitol Complex Facilities; 71 Ill. Adm. Code 2005
-First Notice Published: 13 Ill. Reg. 15640 - 10-6-89
-Expiration of Second Notice Period: 2-18-90

48. Issuance of Licenses; 92 Ill. Adm. Code 1030
-First Notice Published: 13 Ill. Reg. 16297 - 10-20-89
-Expiration of Second Notice Period: 1-29-90

49. Procedures and Standards; 92 Ill. Adm. Code 1001
-First Notice Published: 13 Ill. Reg. 16932 - 11-3-89
-Expiration of Second Notice Period: 2-5-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of State Police Merit Board

50. Procedures of the Department of State Police Merit Board; 80 Ill. Adm. Code 150
-First Notice Published: 13 Ill. Reg. 16365 - 10-20-90
-Expiration of Second Notice Period: 2-1-90

Department of Transportation

51. Carriage by Public Highway; 92 Ill. Adm. Code 177
-First Notice Published: 13 Ill. Reg. 16367 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

52. Continuing Qualification and Maintenance of Packaging; 92 Ill. Adm. Code 180
-First Notice Published: 13 Ill. Reg. 16371 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

53. General Information, Regulations and Definitions; 92 Ill. Adm. Code 171
-First Notice Published: 13 Ill. Reg. 16375 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

54. Hazardous Materials Table and Hazardous Materials Communications; 92 Ill. Adm. Code 172
-First Notice Published: 13 Ill. Reg. 16382 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

55. Procedures; 92 Ill. Adm. Code 107
-First Notice Published: 13 Ill. Reg. 16387 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

56. Shippers General Requirements for Shipments and Packagings; 92 Ill. Adm. Code 173
-First Notice Published: 13 Ill. Reg. 16393 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

57. Shipping Container Specifications; 92 Ill. Adm. Code 178
-First Notice Published: 13 Ill. Reg. 16400 - 10-20-89
-Expiration of Second Notice Period: 1-22-90

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Commerce and Community Affairs

58. Residential Energy Assistance Partnership Program; 47 Ill. Adm. Code 100 (Emergency)
-Notice Published: 13 Ill. Reg. 17870 - 11-17-89

59. Metropolitan Civic Support Program; 14 Ill. Adm. Code 500 (Emergency)
-Notice Published: 13 Ill. Reg. 18632 - 11-27-89

Department of Public Aid

60. Drug Manual; 89 Ill. Adm. Code 141 (Emergency)
-Notice Published: 13 Ill. Reg. 17940 - 11-27-89

V. Incorporation by Reference

VI. Agency Responses to Joint Committee Statements of Objection

State Board of Education

61. Learning Assessment and School Improvement Plans; 23 Ill. Adm. Code 210
-First Published: 13 Ill. Reg. 8766 - 6-9-89
-Objection Date: 11-16-89
-Response: Refusal

Department of Mental Health and Developmental Disabilities

62. Treatment; 59 Ill. Adm. Code 112
-First Published: 13 Ill. Reg. 8208 - 6-2-89
-Objection Date: 11-16-89
-Response: Obj - Refusal
Rec 1- Agree
Rec 2- Agree

Department of Public Aid

63. Pay Plan; 80 Ill. Adm. Code 310 (Emergency)
-First Published: 13 Ill. Reg. 10967 - 7-7-89
-Objection Date: 8-24-89
-Response: Failure to Respond

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Public Health

64. College Immunization Code; 77 Ill. Adm. Code 694
-First Published: 13 Ill. Reg. 5491 - 4-21-89
-Objection Date: 9-21-89
-Response: Obj 1 & 2 - Modification
Rec - Disagree

Department of Revenue

65. Retailers' Occupation Tax Regulations; 86 Ill. Adm. Code 130
-First Published: 12 Ill. Reg. 22097 - 12-23-88
-Objection Date: 12-14-89
-Response: Modification

State Universities Civil Services System

66. State Universities Civil Service System; 80 Ill. Adm. Code 250
-First Published: 13 Ill. Reg. 1921 - 2-17-89
-Objection Date: 8-24-89
-Response: Modification

VII. Exempt Rulemakings

Pollution Control Board

67. Sewer Discharge Criteria; 35 Ill. Adm. Code 307
-Proposed Date: 6-23-89
-Adopted Date: 11-27-89

68. Pretreatment Programs; 35 Ill. Adm. Code 310
-Proposed Date: 6-23-89
-Adopted Date: 11-27-89

69. RCRA and UIC Permit Programs; 35 Ill. Adm. Code 702
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

70. RCRA Permit Program; 35 Ill. Adm. Code 703
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

71. Hazardous Waste Management System: General; 35 Ill. Adm. Code 720
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

72. Identification and Listing of Hazardous Waste; 35 Ill. Adm. Code 721
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

73. Standards Applicable to Generators of Hazardous Waste; 35 Ill. Adm. Code 722
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

74. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; 35 Ill. Adm. Code 724
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

75. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; 35 Ill. Adm. Code 725
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

76. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities; 35 Ill. Adm. Code 726
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

77. Land Disposal Restrictions; 35 Ill. Adm. Code 728
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

78. Definitions and General Provisions; 35 Ill. Adm. Code 211
-Proposed Date: 8-18-89
-Adopted Date: 11-13-89

79. Underground Storage Tanks; 35 Ill. Adm. Code 731
-Proposed Date: 5-5-89
-Adopted Date: 9-22-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 18, 1989, through December 22, 1989, and have been scheduled for review by the Committee at its January 10th and February 8th meetings. Other items not contained in this published list may also be considered by the Joint Committee at its January or February meetings. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/1/90	Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)	10/20/89 13 Ill. Reg. 16365	January 10, 1990
2/1/90	Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)	5/26/89 13 Ill. Reg. 07875	January 10, 1990
2/1/90	Department of Public Health, The Licensure of Home Health Agencies (77 Ill. Adm. Code 245)	6/30/89 13 Ill. Reg. 10007	January 10, 1990
2/2/90	Department of Conservation, Rental of Boats and Boating Facilities (17 Ill. Adm. Code 210)	11/3/89 13 Ill. Reg. 16892	January 10, 1990
2/2/90	Department on Aging, Older Americans Act Programs (89 Ill. Adm. Code 230)	9/22/89 13 Ill. Reg. 14499	January 10, 1990
2/5/90	Secretary of State, Procedures and Standards (92 Ill. Adm. Code 1001)	11/3/89 13 Ill. Reg. 16932	January 10, 1990
2/5/90	Pollution Control Board, Introduction (35 Ill. Adm. Code 301)	9/15/89 13 Ill. Reg 14152	January 10, 1990
2/5/90	Pollution Control Board, Monitoring and Reporting (35 Ill. Adm. Code 305)	9/15/89 13 Ill. Reg. 14159	January 10, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/5/90	Pollution Control Board, Permits (35 Ill. Adm. Code 309)	9/15/89 13 Ill. Reg. 14164	January 10, 1990
2/5/90	Pollution Control Board, Water Quality Standards (35 Ill. Adm. Code 302)	9/15/89 13 Ill. Reg. 14172	January 10, 1990
2/5/90	Department of Transportation, Alternate Fuel Systems for School Buses (92 Ill. Adm. Code 449)	11/3/89 13 Ill. Reg. 16944	February 8, 1990
2/5/90	Environmental Protection Agency, Delegation of Construction and Operating Permit Authority for Sanitary and Combined Sewers and Water Main Extensions (35 Ill. Adm. Code 174)	10/20/89 13 Ill. Reg. 16242	February 8, 1990

PROCLAMATION

89-562
GIRLS AND WOMEN IN SPORTS DAY

Whereas, programs and opportunities for women in sports have increased greatly during recent years, but athletic opportunities for male students at high school and collegiate levels are often greater than those for female students; and

Whereas, the Women's Sports Foundation advocates equal opportunity for girls and women in sports and recognizes the importance of encouraging sports and fitness for individuals of every age, sex, and color; and

Whereas, early motor-skill training and the enjoyable experience of physical activity strongly influence lifelong habits of physical fitness. Abilities and skills developed through athletic experience play a key role in the athlete's contributions to society; and

Whereas, the goals of the Women's Sports Foundation are to promote information, opportunities, and the means for females of all ages to develop skills in the sport of their choice to provide them with the benefits of a physically active lifestyle; and

Whereas, bonds built between women through athletics help to break down social barriers of racism and prejudice; and

Whereas, the accomplishments of women in sports deserve recognition throughout the state and nation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 8, 1990, as GIRLS AND WOMEN IN SPORTS DAY in Illinois, in celebration of the value of sports for women.

Issued by the Governor December 18, 1989.

Filed with the Secretary of State December 26, 1989.

89-563
SOUP MONTH

Whereas, soup has been a traditional food source for centuries and was brought over to America by people representing a variety of cultures; and

Whereas, in this day of health awareness, soup serves as a valuable source of nutrition; and

Whereas, many soups have less than 100 calories per serving, and soup is available in enough varieties to suit the taste of almost everyone; and

Whereas, soup is purchased by people in 99 percent of all American households. An average of 10 billion bowls of soup is consumed each year. More soup is purchased in January than any other month; and

Whereas, Campbell Soup Company, with facilities in Illinois, greatly contributes to the economic growth of our state;

Therefore, I, James R. Thompson, Governor of the State of

Illinois, proclaim January 1990 as SOUP MONTH in Illinois.
Issued by the Governor December 18, 1989.
Filed with the Secretary of State December 26, 1989.

89-564
VOCATIONAL EDUCATION WEEK

Whereas, the American Vocational Association has designated the week of February 11-17, 1990, as Vocational Education Week; and

Whereas, vocational education has been and continues to be an integral part of comprehensive elementary, secondary, and post-secondary public education programs in Illinois and provides the skills needed to obtain employment and economic independence; and

Whereas, vocational educators contribute to the growth and vitality of Illinois' businesses and industries by preparing workers for rapidly growing occupations and by stressing skills that lead to improved productivity; and

Whereas, a strong vocational education program is vital to the economic development of our state and the well-being of its citizens;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 11-17, 1990, as VOCATIONAL EDUCATION WEEK in Illinois, and I encourage all citizens to become better acquainted with the services and benefits offered by the vocational programs in this state.

Issued by the Governor December 18, 1989.
Filed with the Secretary of State December 26, 1989.

89-565
NICK PERRINO DAY

Whereas, Nick Perrino was born in Ceglie del Campo, Italy, on August 29, 1911, and came to the United States on January 28, 1928. He later married Laura Grittani and made Chicago his new home; and

Whereas, Nick Perrino entered the U.S. Army on July 4, 1942, and served his country with honor and distinction until December 7, 1946; and

Whereas, Nick Perrino transformed a small neighborhood restaurant known as THE HOME RUN INN into one of Chicago's best-loved pizza establishments; and

Whereas, Nick Perrino has generously donated his time and resources to the betterment of his city and his neighborhood, and he and his family are proof that the "American Dream" does come true;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim December 27, 1989, as NICK PERRINO DAY in Illinois in honor of Nick Perrino's accomplishments.

Issued by the Governor December 20, 1989.
Filed with the Secretary of State December 26, 1989.

89-566
CHRONIC FATIGUE SYNDROME AWARENESS DAY

Whereas, chronic fatigue and immune dysfunction syndrome, also known as Chronic Fatigue Syndrome (CFS), is a complex illness characterized by incapacitating fatigue, neurological problems, and other symptoms which can resemble a persistent case of mononucleosis; and

Whereas, these symptoms may last for many months or years, are often severely debilitating, and most often affect adults under the age of 45; and

Whereas, researchers believe CFS is associated with dysfunction of the immune system but are still working to identify the cause of the immune system disruption; and

Whereas, CFS sufferers are often misdiagnosed and given inappropriate medical treatment, because not all physicians are familiar with the disease;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 3, 1990, as CHRONIC FATIGUE SYNDROME AWARENESS DAY in Illinois, in order to promote awareness about CFS and help those people stricken with the disease.

Issued by the Governor December 21, 1989.
Filed with the Secretary of State December 26, 1989.

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A – Adopted Rule
AR – Adopted Repealer
C – Notice of Corrections
CC – Codification Changes
E – Emergency Rule
ER – Emergency Repealer
M – Modification to meet JCAR objections
O – JCAR Statement of Objections
P – Proposed Rule
PF – Prohibited Filing Ordered by JCAR
PP – Peremptory or Court ordered Rules
PR – Proposed Repealer
R – Refusal to meet JCAR objection
RC – Statement of Recommendation
S – Suspension ordered by JCAR
W – Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF
8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE – PART – ACTION CODE – PAGE NUMBER – PREVIOUS VOLUME – PAGE NUMBER – ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1)

COMMUNITY COLLEGE BOARD, ILLINOIS
23 Ill. Adm. Code 1501 Administration of the Public Community College Act (P-14) (E-299)

COMPTROLLER
2 Ill. Adm. Code 625 Access to Information (A-186)

FINANCIAL INSTITUTIONS, DEPARTMENT OF
50 Ill. Adm. Code 8100 Title Insurance Act (P-16) (E-305)

FIRE MARSHAL, OFFICE OF THE STATE
41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-63)

POLLUTION CONTROL BOARD
35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-72)
35 Ill. Adm. Code 728 Land Disposal Restrictions (P-79)
35 Ill. Adm. Code 702 RCRA & UIC Permit Programs (P-120)
35 Ill. Adm. Code 703 RCRA Permit Program (P-125)
35 Ill. Adm. Code 731 Underground Storage Tanks (P-153)

PUBLIC AID, DEPARTMENT OF
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (-163)

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89 Ill. Adm. Code 140 Medical Payment (P-11157/89; A-190)
89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10763/89; A-210)

PUBLIC HEALTH, DEPARTMENT OF
77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-172) (E-335)
77 Ill. Adm. Code 920 Ill. Water Well Construction Code (P-15338/89; A-228)

REVENUE, DEPARTMENT OF
86 Ill. Adm. Code 130 Retailers' Occupation Tax (P-22097/88; O-20410/89; M-411; A-241)
86 Ill. Adm. Code 140 Service Occupation Tax (P-10179/89; A-262)

SECRETARY OF STATE
92 Ill. Adm. Code 1030 Issuance of Licenses (P-179)

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